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20.

ACTS

OF THE

One Hundred and Eighth Legislature

OF THE

STATE OF NEW JERSEY,

AND

FORTIETH UNDER THE NEW CONSTITUTION

CAMDEN, N. J.:
PRINTED BY SINNICKSON CHEW,
1884.

The following General Public Laws passed at the One Hundred and Eighth Legislature, are compiled in accordance with the act entitled "An act relative to public printing," approved March 23d, A. D., 1883, which provides "that the laws shall be collated and indexed under the two heads of General Public Acts, Special Public and Private Acts."

The General Public Laws are printed in the front part of the volume.

The Joint Resolutions and Proclamations by the Governor are placed next after the General Public Laws, followed by a Table of Contents and Index.

The Special Public and Private Acts follow in the order of their approval, and, with Table of Contents and General Index of all the laws, &c., complete the same.

HENRY C. KELSEY,
Secretary of State.

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OF THE

One Hundred and Eighth Legislature

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GENERAL PUBLIC LAWS.

GENERAL PUBLIC ACTS

PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE.

CHAPTER I.

An Act relative to interest on arrears of taxes and assessments in incorporated cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at any time within one year after the passage of this act, any person or persons may pay to the collector of taxes, or other person authorized to receive the same, in any incorporated city in this state, the amount of any tax or assessment due upon any real or personal property belonging to any such person or persons, laid or imposed prior to the year one thousand eight hundred and eighty-three, and now remaining unpaid, together with interest thereon at seven per centum per annum, to be calculated from the time interest is properly chargeable thereon to the time of such payment, together with the actual expenses theretofore incurred by any such city for the enforcement and payment of said taxes or assessments; and the collector of taxes, or other person authorized to receive the same, shall make and deliver to the person or persons making such payment, a receipt therefor, and shall forthwith cancel the record of such tax or assessment; upon such payment, such tax or assessment shall cease to be a lien upon the real estate or property, and shall be deemed and taken to be fully paid, satisfied and discharged, and there

Amount due upon taxes or assessments imposed prior to 1883 with interest, may be paid within one year from passage of act.

Receipt to be given and record cancelled.

shall be no right to any further interest or penalty by reason of such tax or assessment not having been paid within the time heretofore required by law, or by reason of any statute passed requiring the payment heretofore of any penalty or interest over seven per centum upon any unpaid tax or assessment; *provided, however*, that nothing in this act contained shall authorize the receipt, under the provisions of this act, of any such taxes or assessments in cases where lands and real estate have been sold for taxes or assessments, and bought in by any other person than the city in which said taxes and assessments are laid, or some officer for the use of such city, or where the certificate of sale to the city or its representative shall have been assigned or sold to any other person; nor shall any lien upon real estate for such taxes or assessments be released or affected, nor shall any sale of any real estate for taxes or assessments, or the delivery of any certificate or declaration of sale, or deed therefor, be stayed by anything in this act contained.

Proviso.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved January 29, 1884.

LEON ABBETT,
Governor.
BENJAMIN A. VAIL,
President of the Senate.
ALFRED B. STONEY,
Speaker of the House.

CHAPTER II.

A Supplement to "An act concerning disorderly persons," (Revision), approved April ninth, one thousand eight hundred and seventy-five.

Persons committed to county jail or workhouse for deserting or refusing to provide for his wife or family shall be kept at hard labor.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That any husband or father who deserts or wilfully refuses or neglects to provide for and maintain his wife or other family, and who shall in consequence thereof be adjudged a disorderly person, and be committed to the workhouse or county jail of the county, as provided by the act to which this is a supplement, shall be put and kept at hard labor by the board of chosen freeholders of the county, in the same manner as other prisoners committed to such jail or workhouse are put and kept at hard labor.

Approved January 31, 1884.

CHAPTER III.

An act in relation to licenses granted by the several courts of this state, at the April and May terms thereof, eighteen hundred and eighty-three (1883.)

Preamble.

WHEREAS, licenses were granted at the April term, A. D. eighteen hundred and eighty-three, of the several courts of this state, to applicants therefor to keep inns and taverns, and said courts and said applicants were not informed as to the passage of an act entitled "An act to further regulate the licensing of inns and taverns and places for the sale of malt, vinous, spirituous and other intoxicating liquors or drinks," approved March

twenty-third, eighteen hundred and eighty-three, and the holders of said licenses may be subjected to suits for selling said malt, vinous or spiritous liquors, notwithstanding such licenses to them granted; therefore,

Licenses made valid and a complete defence to any suit against the holders thereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any and all licenses granted at the said April and May terms, A. D. eighteen hundred and eighty-three, by any competent court of this state, to any person or persons to keep an inn or tavern in this state, shall be valid and effectual for the purpose intended, and shall be a complete defence by any holder or holders thereof to any and all suit or suits at law that may be brought against him or them for or on account of any alleged violation of any law or laws of this state for the sale by him or them of any spirituous, vinous or malt liquors, without license for that purpose first had and obtained during the time for which any such license or licenses was or were granted, and no recovery shall be had in any such suit or suits against such holder or holders of any such license or licenses in any court of this state where such defence shall be interposed.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved February 13, 1884.

CHAPTER IV.

A Supplement to an act entitled, "An act relating to turnpike companies," approved February twenty-fourth, one thousand eight hundred and eighty-two.

Deed of cession and transfer of turnpike road, how executed and filed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any turnpike company of this state shall execute to any city, township or other municipality of this state, a deed of cession and

transfer of all or any part of any turnpike road lying within the limits of any such city, township or other municipality, and shall have the same duly proven in the manner required for the proof of deeds or conveyances of lands, and shall deliver the same, together with a map or survey of the road, or of the part of road, so ceded and transferred to the common council, township committee, or other governing board of such city, township or other municipality, and the said common council, township committee or other governing board shall accept the said deed of cession and transfer, by a writing endorsed thereon, the said deed, proof, map or survey and acceptance shall then be recorded in the office of the clerk of the county in which the road so ceded and transferred lies, in the book containing the records of public roads for said county, and after being so recorded shall be filed in the office of the secretary of state; *provided*, that where the charter or act of incorporation of any city or other municipality prescribes the manner in which deeds of dedication of lands for public highways or streets shall be accepted, the proceedings for the acceptance of any deed of cession and transfer by a turnpike company as aforesaid shall, in any such city or other municipality, be the same as is required for the acceptance of a deed of dedication of lands for a public highway or street.

Proviso.

2. *And be it enacted*, That any turnpike company making a cession and transfer of any part of their turnpike road in the manner aforesaid, shall from the date of filing the deed of cession and transfer in the office of the secretary of state, be released and discharged from all authority and control over the part or parts of their road so ceded and transferred, and from all liability on account of the same, and the same shall thereafter be to all intents and purposes a public road or highway in such city, township or other municipality, and be subject to the same jurisdiction, authority and control by such city, township or other municipality, as it has over other public roads or highways within the limits thereof.

Company released from control, &c., of part of road ceded, when deed is filed in office of secretary of state.

3. *And be it enacted*, That nothing in this act contained shall be so construed as to prevent any turnpike company, which shall cede and transfer any part of its turnpike road in the manner aforesaid, from charging and

Nothing in act to be construed to prevent company from collecting toll upon part of road not ceded.

collecting toll in accordance with the provisions of its charter upon the part or parts not so ceded and transferred; but no toll gate shall be erected or used upon the part or parts so ceded and transferred.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 13, 1884.

CHAPTER V.

A Supplement to the act entitled "An act authorizing the establishment of hospitals in the cities of the state," approved February twenty-third, one thousand eight hundred and eighty-three.

Section amended.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That section four of the act entitled "An act authorizing the establishment of hospitals in the cities of the state," approved February twenty-third, one thousand eight hundred and eighty-three, be so amended as to read as follows:

Annual election of directors to be held.

Term of office, vacancy, how filled.

[4. *And be it enacted*, That within one year after the creation of said board, and annually thereafter, on such day as the board may by rule prescribe, an election shall be held, by ballot, by the said board, of four persons to serve as directors in place of the class whose term of service shall expire that year, and the persons so elected shall hold their office for three years; and in case of the death, resignation or removal of any director, the vacancy occasioned thereby may be filled by a majority of the board of directors, for the unexpired term of the person so dying, resigning, or removing.]

2. *And be it enacted*, That this act shall go into effect immediately.

Approved February 13, 1884.

CHAPTER VI.

An Act to authorize the burial of the bodies of any honorably discharged soldier, sailor or marine who shall hereafter die without leaving means sufficient to defray funeral expenses.

Board of freeholders to designate proper authority to bury the body of deceased soldier or sailor.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the board of freeholders in each of the counties of this state to designate some proper authority, other than that designated by law for the care of paupers and the custody of criminals, who shall cause to be interred the body of any honorably discharged soldier, sailor or marine, who served in the army or navy of the United States during the late rebellion, or any war in which the United States have been engaged, who shall hereafter die without leaving means sufficient to defray funeral expenses, but the expenses of such funeral shall not in any case exceed the sum of thirty-five dollars. The expenses of such interment shall be borne by the county in which such soldier, sailor or marine shall die.

Expense to be borne by county.

Interment not to be made in a pauper cemetery.

2. *And be it enacted*, That any interment provided for by the provisions of this act shall not be made in a cemetery, or in any cemetery or plot, used exclusively for the burial of the pauper dead; the grave of any such deceased soldier, sailor or marine shall be marked by a headstone containing the name of the deceased, and, if possible, the organization to which he belonged or in which he served; such headstone shall cost not more than fifteen dollars, and shall be of such design and material as shall be approved by the governor, adjutant general and quartermaster general of the state, and the expense of such burial and headstone as above provided for shall be charged upon and shall be paid by the county in which the said soldier, sailor or marine shall have died; and the board of freeholders of such county is hereby

Grave to be marked by suitable headstone.

Cost and design of headstone.

Expense of burial and headstone, by whom, and how paid.

authorized and directed to audit the account and to pay the expense of such burial in the same manner in which the accounts of such officer as shall be charged with the performance of such duty as above provided shall be audited and paid.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 13, 1884.

CHAPTER VII.

An Act to provide for the removal of snow and ice from the sidewalks and gutters of the streets in incorporated towns and boroughs in this state.

Lawful for common council to provide by ordinance for the removal of snow and ice from sidewalks and gutters.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council or other governing body of any incorporated town or borough of this state, to provide by ordinance for the removal of snow and ice from the sidewalks and gutters along the streets in any such incorporated towns and boroughs, by the owner or owners of the property in front of which such sidewalks and gutters are.

Ordinance to provide for removal of snow and ice by street commissioners where owner fails to remove the same within five hours.

2. *And be it enacted*, That it shall be lawful to provide in any such ordinance for the removal of the snow and ice from any such sidewalks and gutters by the street commissioner or other officer having charge of the streets of any such incorporated towns and boroughs, where the owner or owners of the land in front of the same fails to remove the snow and ice therefrom within five hours after such snow or ice has fallen or accumulated.

Expenses incurred by street commissioners to be added to the taxes on such land.

3. *And be it enacted*, That it shall be lawful to provide in any such ordinance, that the cost and expense paid and incurred by the street commissioner or other officer for removing such snow and ice from any such sidewalks and gutters, shall be certified by said street commissioner

or other officer to the proper officer or officers or board of revision of taxes, whose duty it is to assess and levy the tax of any such incorporated town or borough, and the same shall be added to the tax or taxes on the lot or lots or parcels of land in front of which such sidewalks and gutters are, from which such snow and ice has been removed, and shall be part of the same as a first and paramount lien.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 13, 1884.

CHAPTER VIII.

An act to fix the salary of the assistant engrossing clerks of the senate and house of assembly.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the assistant engrossing clerk of the senate, and assistant engrossing clerk of the house of assembly, shall each be paid the salary of six hundred dollars. Salary.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 13, 1884.

CHAPTER IX.

An Act relating to the payment of money to executors, administrators or trustees under a trust or power, and discharge on payment thereof.

Receipt or acknowledgment of executor, administrator or trustees for money received shall be a full discharge thereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the receipt, or acknowledgment in writing, whether by deed or otherwise, heretofore given, or which may hereafter be given, by any executors or executor, administrators or administrator with the will annexed, trustees or trustee, for any money heretofore paid, or that may hereafter be paid to, and received by, them or him, by reason, or in the exercise, or execution of any trust or power, shall be full and sufficient discharge for the money therein expressed to be received, and shall effectually exonerate the person who has heretofore paid, or may hereafter pay such money, and his or her legal representatives from seeing to the application thereof, or from being answerable for any loss or misapplication thereof, unless the contrary shall be expressly declared by the instrument creating such trust or power.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 19, 1884.

CHAPTER X.

A supplement to an act entitled "An act to authorize and regulate the business of banking," approved April ninth, eighteen hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act the public stocks to be transferred and deposited to secure circulating notes, under section twenty-six of said act, shall in all cases be, or be made to be, equal to a stock producing not less than four per centum, instead of six per centum, per annum.

Stock deposited to secure circulating notes to be equal to a stock producing not less than four per centum per annum.

2. *And be it enacted*, That nothing in said act, of which this is a supplement, shall be construed to require any banking company or association, now organized or to be organized, to issue circulating notes unless the directors of said company or association shall deem it proper to do so.

Act not to require banking companies to issue circulating notes unless the directors shall deem it proper.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 20, 1884.

CHAPTER XII.

An Act to abolish and prohibit the employment under contract of convicts and inmates of prisons, jails, penitentiaries and all public reformatory institutions in the state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be unlawful for the principal keeper, supervisor and board of inspectors

Unlawful to contract for labor of prisoners in state prison.

of the state prison of this state, in anywise to contract for the labor of the prisoners confined in said prison or for any portion thereof.

Unlawful to contract for labor of inmates of any prison, penitentiary, jail or public reformatory institution in this state.

2. *And be it further enacted*, That it shall be unlawful for any keeper, warden, superintendent or other official, or member of any governing body or board of any prison, penitentiary, jail or public reformatory institution located within this state, in anywise to contract for the labor of the inmates of any such prison, penitentiary, jail or public reformatory institution.

Penalty for violating the provisions of the two preceding sections.

3. *And be it further enacted*, That any principal or other keeper, supervisor, inspector, warden, superintendent or other officer, or any member of any governing body or board as aforesaid, who shall violate any of the provisions of the two preceding sections of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding two thousand dollars, or by imprisonment, at hard labor, in the state prison not exceeding two years, or both.

4. *And be it further enacted*, That all acts and parts of acts, whether general or special, inconsistent with the provisions of this act, be and the same are hereby repealed.

Repealer.

5. *And be it further enacted*, That this act shall be a public act, and shall take effect immediately.

Approved February 21, 1884.

CHAPTER XIII.

An Act concerning cities in this state.

Cities may issue bonds to fund floating indebtedness and pay amount falling due on bonds, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any city in this state, by and through the board having supervision and control of the finances of such city, for the purpose of funding the floating debt of such city falling due prior to the fifteenth day of March, eighteen hundred and eighty-four, and also of paying the amount to fall

due on all bonds, other than temporary loan bonds of such city becoming due and payable within one year next succeeding the approval of this act, to issue and sell bonds at not less than par in the corporate name of such city, in the form now prescribed in any such city, such bonds to bear interest at a rate not exceeding six per centum per annum; such bonds may be registered or coupon bonds, and shall be payable at any time not exceeding twenty years from their date, and in such installments as shall be decided upon by the board issuing the same.

Bonds, rate of interest, when due.

2. *And be it enacted*, That the proper authorities of such city shall have power to provide by taxation for the payment of said bonds and the interest thereon, and shall yearly and every year until the said bonds shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the same time and in the same manner that other taxes in such city are assessed and collected, a sum of money sufficient to pay the interest on said bonds as the same shall become due and payable; and to pay and discharge the principal at the several times it shall become due and payable.

Authorized to provide by taxation for the payment of the bondsland interest thereon.

3. *And be it enacted*, That it shall be the duty of the proper authorities of such city to receive the bonds issued by virtue of this act, when payable, if the same shall be tendered in payment of any taxes or assessments imposed in such city.

Bonds to be received when due in payment of taxes.

4. *And be it enacted*, That nothing in this act shall be construed as permitting an issue of bonds which will increase the total indebtedness of any city of this state, at the date of the approval of this act, nor shall this act apply to any city whose debt is now limited by its charter or by law so as to allow an increase of more than twenty thousand dollars in the debt of such city.

Act not to be construed nor apply.

5. *And be it enacted*, That this act shall take effect immediately.

Approved February 21, 1884.

CHAPTER XIV.

An Act to define the term homœopathic when applied to physicians.

Term defined.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wherever the term homœopathic is applied to a physician or a member of a medical school, in any law of the state of New Jersey, the term shall be construed to mean that said physician, or member of a medical school, shall be a graduate of a homœopathic medical college, or a member of the homœopathic state medical society, or a member of a homœopathic county medical society in the state of New Jersey.

2. *And be it enacted*, That this act shall be a public act and shall take effect immediately.

Approved February 21, 1884.

CHAPTER XV.

An act for the protection of dairymen, and to prevent deception in sales of butter.

Persons manufacturing or offering for sale any article in semblance of butter not made of milk or cream shall stamp the proper name of such article on every tub, firkin, &c., containing the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person who shall manufacture for sale, or who shall offer or expose for sale, by the tub, firkin, box, package or in any manner, or in any quantity, any article or substance in semblance of butter, not the legitimate product of the dairy, and not made exclusively of milk or cream, but into which the oil or fat of animals not produced from milk enters as a component part, or into which melted butter or any oil thereof has been introduced to take the place of cream; shall

distinctly and durably stamp, brand or mark upon the top and also upon the side of every such tub, firkin, box or package of such article or substance, the word "Oleomargarine," "Butterine" or other such name as properly applies to the article manufactured or offered for sale and not butter as defined in this act only where it can be plainly seen, in Roman letters, which shall be burned on or painted thereon with permanent black paint, in a straight line, and the letters and each of them shall be not less than one inch in length and not less than one-half inch in width.

Penalty for selling or exposing such article for sale from a tub, firkin, &c., not properly stamped.

2. *And be it enacted*, That every person who shall sell or offer, or expose for sale, or have in his or her possession with intent to sell, by the tub, firkin, box, package, or in any greater quantity, any of the said article or substance required by the first section of this act to be stamped, branded or marked, or in case of retail sales in parcels; every person who shall sell or offer, or expose for sale, any of said article or substance without selling, offering or exposing the same for sale, from a tub, firkin, box or package, stamped, branded or marked as in said first section stated, shall for every such offence, forfeit and pay a fine of not less than fifty dollars, and not more than one hundred dollars, to be recovered with costs, in any of the courts of this state having cognizance thereof, in an action to be prosecuted by any prosecuting attorney in the name of the state, and the one-half of such recovery shall be paid to the informer, and the residue shall be applied to the support of the poor in the county where such recovery is had.

Approved February 21, 1884.

CHAPTER XVI.

Supplement to an act entitled "An act concerning corporations," (Revision), approved April seventh, one thousand eight hundred and seventy-five.

Certain societies authorized to increase the number of their trustees or directors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any society incorporated under the laws of this state, having for its object the relief of clergymen whose advanced years have a claim on the support of the church to which they belong, are hereby authorized by a vote of two-thirds of the members present, not less than a quorum, at any annual meeting of such society, to increase the number of the trustees or directors of said society and to declare that a certain number less than half of the trustees shall be laymen; *provided, however*, that notice of the proposed change in the number and composition of the board of trustees or directors shall have been given to each of the members whose address can be ascertained by mailing the same to him at least one month before such annual meeting; and a board of trustees of the number and composition so fixed at any annual meeting shall be elected at such meeting, and at future meetings until a change has been made in the manner provided by this act.

Proviso.

Empowered to change the time of holding their annual meetings.

2. *And be it enacted*, That any such society shall have power by a two-thirds vote of the members present, not less than a quorum, at any annual meeting, to change the time of holding the annual meetings of such society beginning with the next year, and notice of the change so made shall be sent by mail within one month to each of the members whose address can be ascertained.

Approved February 21, 1884.

CHAPTER XVII.

An Act to amend an act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors," [Revision] approved March 27, 1874.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the twentieth section of said act be amended so as to read as follows:

When creditor barred.

[20. If any creditor shall not exhibit his, her or their claims within three months from the date of such assignment, or within such other time as may be fixed by the court in accordance with the fifth section of this act, such claims shall be barred of a dividend, unless the estate shall prove sufficient after the debts exhibited and allowed are fully satisfied, or such creditor shall find some other estates not accounted for by the assignee or assignees before distribution, in which case such barred creditor shall be entitled to a ratable proportion therefrom.]

Act not to apply to assignment heretofore made.

2. *And be it enacted*, That this act shall not apply to the case of any assignment heretofore made, but that in any such case the court may by order limit the time for exhibiting claims to a period not less than three months from the date of the assignment nor more than three months from the date of the order.

Approved February 21, 1884.

CHAPTER XVIII.

An Act exempting from taxation persons who served in the military or naval forces of the United States during the late war.

Certain persons exempted from taxation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person who served in the military or naval force of the United States during the late war, and who received an honorable discharge, shall be entitled to the same exemption from taxation as now granted by law to members of the national guard of this state.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 21, 1884.

CHAPTER XIX.

A supplement to an act entitled "An act relative to the election of constables," approved March twelfth, one thousand eight hundred and eighty.

Constables to be elected for three years in certain townships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any township, district or municipality of this state where five constables are now elected annually, such constables shall hereafter be elected for the term of three years; *provided, however*, that at the first election held after the passage of this act, one constable shall be elected for the term of one year, two for the term of two years, and two for the term of three years, and thereafter all constables shall be elected for

Proviso.

the term of three years except in case of a vacancy when the vacancy shall be filled for the unexpired term only.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed. Repealer.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 25, 1884.

CHAPTER XX.

A Supplement to an act entitled "An act to regulate the practice of courts of law," (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two hundred and sixty-eight to which this is a supplement, and which reads as follows :

[268. *And be it enacted*, That if in any suit commenced in the supreme court, the plaintiff shall not recover above two hundred dollars, exclusive of costs, then such plaintiff shall not be entitled to costs ; but this section shall not extend to any suit in which the title to lands, tenements, hereditaments or other real estate may in any wise come in question] be and the same is hereby amended to read as follows : Section to be amended recited.

[268. *And be it enacted*, That if in any suit commenced in the supreme court, the plaintiff shall not recover above two hundred dollars, exclusive of costs, then such plaintiff shall not be entitled to costs ; but this section shall not extend to any suit in which the title to lands, tenements, hereditaments or other real estate may in any wise come in question, or where the parties to a suit in which the amount recovered, exclusive of costs, exceeds one hundred dollars, do not reside in the same county.] When costs recoverable in supreme court.

Approved February 27, 1884.

CHAPTER XXI.

An act to authorize the boards of chosen freeholders in the respective counties of this state to renew matured and maturing bonds.

Authorized to renew matured and maturing bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any bonds, heretofore legally issued by the board of chosen freeholders of any county in this state, under the authority of law, are now due and unpaid, or shall mature and become due within two years from the date of the passage of this act, the board of chosen freeholders of any such county may renew the whole or any part of said bonds, as to said board of chosen freeholders may seem to the best interest of any such county, by issuing bonds for that purpose, in the corporate name and under the corporate seal of any such county, signed by the director of any such board and the county collector of such county, which bonds shall be made payable at periods of time not exceeding twenty years from the date of issuing the same, and shall draw such rate of interest, not exceeding six per centum per annum, as said board shall determine, payable semi-annually, and shall be issued in such sums, not less than one hundred dollars, and not more than one thousand dollars, as said board, by resolution, shall determine, and which bonds shall be made payable, both principal and interest, at the office of the county collector of such county; said bonds shall, except as hereinafter provided, have coupons attached for each half year's interest, until due, and which coupons shall be signed by the collector of such county and numbered to correspond with the bond to which they shall be attached; *provided*, that the said bonds may be either coupon or registered bonds; and the county collector shall number and register said bonds, and the same may be exchanged—coupon bonds for registered bonds and registered bonds for coupon

Bonds when due.

Rate of interest.

Proviso.

bonds—at the request of the holder thereof; *provided*, that the board of chosen freeholders shall consent to such exchange; and all bonds issued under this act shall be numbered, and a register of the number, denomination, date of issuing, and name of person to whom issued, if registered, and time of payment, shall be made by the county collector in a book to be provided by said board for that purpose; which bonds may be sold by the board of chosen freeholders of such county, upon the orders and resolutions thereof, at public sale to the highest bidder, after notice of such sale shall have been duly advertised for at least two weeks in at least two newspapers published and circulated in said county, and having the largest circulation therein; *provided*, the same shall in no case be sold at less than par, and all the real estate and property within the county shall be liable for the payment of the principal and interest that may become due on the bonds to be issued by virtue of this act. Proviso. Proviso.

2. *And be it enacted*, That the said board of chosen freeholders shall each year place in the tax levy for such county, for such year, so long as such bonds or any of them shall run, a sufficient sum to pay all interest on said bonds during such year, and also a sufficient sum to pay the principal of said bonds falling due within the year, the same to be levied and raised in the same manner as other county taxes are levied and raised. Principal and interest of bonds to be paid by taxation.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 27, 1884.

CHAPTER XXIII.

An Act concerning the payment of taxes in cities of this State.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any City may authorize payment of taxes by off-setting claims, &c.

city in this state by ordinance to authorize and regulate the payment of taxes levied in any year by off-setting claims held by tax-payers against the city for current expenses of the same year; *provided*, the bills for such current expenses shall be duly ordered paid according to law; *and provided further*, that no such off-set shall be made until after the payment of the quota of state and county taxes in full; *and provided further*, that this act shall not apply to cities the financial department of which do not possess the legal power to adopt ordinances.

Proviso.

Proviso.

Proviso.

2. *And be it enacted*, That all acts and parts of acts general and special inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

Passed March 4, 1884.

CHAPTER XXIV.

An Act to provide for drainage and sewage in densely populated townships, in which there is a public water supply.

Lawful for township committee of certain townships to provide a system of sewage or drainage.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any township in this state in which the population has become, or shall hereafter become, so dense as to average not less than two thousand inhabitants to the square mile of territorial area contained in such township, and in which a supply of water for public and domestic use is furnished or shall be furnished from water works, it shall be lawful for the township committee to provide for, obtain and cause to be constructed a system of sewage, or of drainage, or both.

May cause surveys, plans and estimates to be made.

2. *And be it enacted*, That it shall be lawful for the township committee of such township to cause to be made surveys, plans and estimates by competent engineers and mechanics, sufficient to demonstrate a practicable and efficient system of sewage and drainage for such town-

ship, including the disposition of house sewage and waste.

May cause sewers and drains to be constructed.

3. *And be it enacted*, That it shall be lawful for the township committee of such township whenever in their opinion the public good demands it, by ordinance to cause sewers and drains to be constructed in any part of such township, and if necessary, to take and appropriate for the purpose of constructing such drains and sewers any lands and real estate upon making compensation to the owner or owners thereof as is hereinafter mentioned and provided.

When deemed advisable may construct sewer to tide water, &c.

4. *And be it enacted*, That in case the said township committee shall deem it advisable in order to the efficient sewage or drainage of such township, to build and construct a sewer or sewers to tide water, and for this purpose to pass through territory situated within the bounds of any other municipal corporation or corporations, it shall be lawful for such township committee to build and construct such sewer or sewers to tide water, and to take and appropriate for this purpose any lands and real estate, and to lay down and examine, repair and replace such sewer or sewers in, through or across any public street or highway, upon making compensation to the owner or owners thereof as is hereinafter mentioned and provided.

May contract with authorities of adjacent city for the privilege of connecting sewers and drains.

5. *And be it enacted*, That in case the township committee shall deem it expedient to contract and agree with the municipal authorities of any city whose territory adjoins that of such township for the privilege and right to connect the sewers and drains of such township with those of such adjacent city in such manner that the sewage and drainage of such township or city shall flow into and through the sewer or sewers of said city or township, it shall be lawful for the township committee of such township, and for the common council or other governing body of such adjacent city, to enter into and make a contract and agreement in writing in behalf of the municipal corporations which they represent, for the right and privilege aforesaid, upon such terms and for such consideration and during such period as may be settled upon and determined by and between the said township committee and the said common council, and any such

contract duly made and ratified by such township committee and such common council shall be the valid contract of such township and of such city during the period and according to the stipulations therein expressed.

May collect and utilize or dispose of sewage, &c.

6. *And be it enacted*, That in case the township committee of such township shall deem it to be practicable and expedient to collect the sewage of such township, and to deodorize, utilize, consume or dispose of the same, by sale or otherwise, wholly or in part, it shall be lawful for said township committee to purchase lands in the corporate name of the township, and to erect all necessary buildings, works and machinery thereon, and to take and appropriate for such purposes any lands and real estate upon making compensation to the owner or owners as hereinafter mentioned and provided.

When ordinance shall be passed for making improvement further proceedings may be by resolution.

7. *And be it enacted*, That whenever any ordinance shall be passed by such township committee, for making any improvement or performing any work under and by virtue of the provisions of this act, all further acts and proceedings which it may be necessary for said township committee to take to carry out said improvement or work to completion, and all orders relating thereto, may be by resolution and not by ordinance.

Authorized to treat with owner and purchase lands or real estate necessary for construction of sewer, drain or receptacle.

8. *And be it enacted*, That whenever the township committee shall determine by ordinance to make and construct any sewer or sewers, drain or drains, or any sewage receptacle, or works or place for treating and disposing of sewage, and shall deem it necessary to take and appropriate for any such purpose any lands and real estate, either within said township or beyond its limits, they are hereby authorized to treat with the owner or owners thereof for the same, and they may purchase said lands and real estate from the owners of the same and make such compensation therefor as they may deem reasonable, and thereupon shall receive from such owner or owners a conveyance of such lands and real estate to the inhabitants of such township.

Proceedings when township committee and owner cannot agree as to price or compensation of lands or real estate.

9. *And be it enacted*, That when the township committee cannot agree as to the price or compensation with the owner or owners of any lands and real estate which they may deem it necessary to take and acquire, or when by the absence or legal incapacity of such owner or owners

no such agreement can be made, it shall be lawful for the circuit court of the county in which such lands and real estate are situated, on application in writing made on behalf of such township committee, and after notice of the time and place of making such application published at least ten days previously thereto in some newspaper circulating in the said county, to appoint three disinterested commissioners who shall make an estimate and assessment of the damages that any such owner or owners will sustain, as well for the taking of his, her or their lands and real estate, with the appurtenances, as for the injury to the owner or owners by reason of the intended improvement. If any of said commissioners die or refuse to act the said court shall immediately make appointment of a proper person to fill any vacancy so created. The said commissioners shall be sworn to make a just and impartial estimate and assessment, and shall present without delay to the said court a report in writing of such estimate and assessment which shall be sufficient if signed by a majority of said commissioners; the circuit court shall direct notice to be given by advertisement in some newspaper circulating in said county for at least ten days of the time and place at which said court will proceed to consider said report and any objection that may be made thereto, and shall have power to consider said report and the objections thereto in a summary way, and to revise and to confirm said report with or without alteration; said report, when confirmed by the court, or a copy thereof duly certified by the county clerk, shall at all times be plenary evidence of the right of the township committee to enter upon, take and use the said land and real estate with the appurtenances; the township committee first tendering to the owner or owners thereof, if resident in this state, the amount so awarded to them; and if any owner is not a resident of this state, or on due inquiry cannot be found therein, or is a lunatic or idiot, or under age, or is for any other cause incapacitated to receive the amount awarded, or will not receive the same and sign a proper receipt therefor when tendered, then affidavit shall be made of the facts and filed in the office of the county clerk, and the amount awarded to any such owner shall be deposited

in said circuit court before said township committee shall have the right to take and use the said lands and real estate; the court shall settle and determine the compensation to be paid to the commissioners, and the costs and expenses of the application and report which shall be paid by the township in behalf of which the application has been made.

Lawful for township committee to keep sewers, &c., in repair.

10. *And be it enacted*, That it shall be lawful for the township committee to keep the sewers, drains and works in repair and working order, and to make, establish and enforce regulations and conditions as to the management and use of the same, and as to connections therewith, and they shall have power, and it shall be their duty, beneficially and efficiently to control the use of such sewers and drains and to prevent and stop all abuses and improper uses of the same.

May borrow money and issue bonds to pay costs and expenses of improvements, &c.

11. *And be it enacted*, That for the purpose of paying the costs and expenses of the improvements and public works, and of the proceedings in relation thereto, as mentioned in this act, or any of them, it shall be lawful for the township committee to borrow money from time to time, and to secure the payment of the same by issuing the corporate bonds of the inhabitants of such township, payable at such times as said committee may determine, which bonds, when issued by resolution of the township committee and under the township seal, shall be the valid obligations of such municipal corporation according to their tenor; *provided, however*, that said bonds shall bear interest at a rate not exceeding six per centum per annum, shall be sold for not less than their par or face value, *and provided also*, that in no case shall bonds be issued to an amount which shall cause the entire corporate indebtedness of such township, for all purposes, to exceed at any time ten per centum of the assessed valuation of property in said township as shown on the duplicate of assessment.

Proviso.

Proviso.

Legal voters of township may raise money to be expended under provision of act.

12. *And be it enacted*, That it shall also be lawful for the legal voters in such township at their annual meeting to vote, grant and raise such sum or sums of money from year to year to be expended by the township committee under the provisions of this act as a majority of said legal voters shall determine.

13. *And be it enacted*, That for the purpose of paying the interest and principal of the bonds to be issued under the provisions of this act, it shall be the duty of the township committee each year to issue a warrant to the assessor of such township, directing him to assess upon the property subject to taxation in said township a sum equal to the amount of principal and interest which will fall due during the then current fiscal year; and all money so by warrant directed to be assessed, as well as any money voted and granted by the legal voters as herein provided, shall be assessed, levied and collected by the same persons, in the same manner, at the same times, and under the like fees, fines and penalties as the money raised by taxation in said township for other township and for county purposes. Interest and principal of bonds to be paid by taxation.

14. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately, except that no provision of any act which prohibits the pollution of any of the waters of this state used to supply any aqueduct or reservoir, or which are distributed for public use, is intended to be hereby repealed; and this act shall not be construed to authorize the discharge of sewage or the contents of sewers into fresh water, or into any portion of a river or stream tributary thereto, in such manner as to defile a source of public water supply. Repealer. Exception of provisions of certain act. Act not to be construed.

Approved March 4, 1884.

CHAPTER XXV.

An Act to fix the salary of the bill clerks of the senate and house of assembly.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the bill clerk of the senate and the bill clerk of the house of assembly, shall each receive an annual salary of three hundred and fifty dollars. Salary.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1884.

CHAPTER XXVI.

A Further Supplement to "An act relative to sales of lands under a public statute or by virtue of any legal proceeding," (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

Sale of land not invalidated by omission to publish advertisement of sale.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of land heretofore made shall be invalidated by reason of the omission to publish the advertisement of such sale in two newspapers printed and published in the county in which such lands are situate, but that any purchaser of lands at such sale, who shall have complied with the conditions of such sale shall be entitled to have a deed for the land so purchased, notwithstanding the sale was advertised in but one newspaper of the county in which the land is situated;

Proviso. *provided*, that where the sale has been made by direction of any court of competent jurisdiction, an order confirming such sale shall first be made by a judge thereof; which order shall be granted when the judge shall be satisfied that the land has been sold for a fair price and that it is proper in such case to make the order; *and*

Proviso. *provided, further*, that where the sale is not made by direction of a court, that then such sale shall be first confirmed by an order of a justice of the supreme court, when such justice shall be satisfied that the land has been sold at a fair price and that it is proper in such case to make the order; and a deed so given shall operate to transfer the title of the land to the purchaser as fully as if the sale had been advertised in two newspapers of the

Proviso. county where the land is situate; *and provided, further*, that nothing in this act shall be held to affect any litigation now pending.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1884.

CHAPTER XXVII.

A Supplement to an act entitled "An act for the preservation of sheep."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the proviso in section seven of an act for the preservation of sheep, approved April fourteenth, eighteen hundred and forty-six, as follows:

Repealer of certain proviso and section.

[*Provided always*, That nothing herein contained shall extend to cases wherein a recovery of damages can be obtained of the owner or owners of such dog or dogs as shall have committed the injury]; and also section four of a supplement thereto, approved March twenty-ninth, eighteen hundred and sixty-six, be and the same are hereby both repealed.

Township committee empowered to kill dog found killing or worrying sheep, &c., when owner refuses to do so.

2. *And be it enacted*, That when any dog or dogs, bitch or bitches, are found killing or worrying any sheep or other domestic animals, and the owner shall refuse or fail to kill the same as provided for in section six of said act for preservation of sheep, approved April fourteenth, eighteen hundred and forty-six; the township committee, upon complaint being made to them, shall have power and are hereby authorized and required to kill, or cause to be killed, such dog or dogs, bitch or bitches, the expense of which killing shall not exceed two dollars for each animal so killed, the same to be paid out of the money raised by the tax upon dogs.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1884.

CHAPTER XXVIII.

An act to amend the fourteenth section of an act entitled "Supplement to an act entitled 'An act for the organization of the national guard of the state of New Jersey,' approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto," which supplement was approved March fifteenth, one thousand eight hundred and seventy-eight.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, that section fourteen of the act entitled "Supplement to an act entitled 'An act for the organization of the national guard of the state of New Jersey,' approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto," which supplement was approved March fifteenth, one thousand eight hundred and seventy-eight, be amended so as to read as follows:

Arms and equipments to be furnished national guard.

[14. *And be it enacted*, That the quartermaster general shall, upon the application of the commandant of any corps of the national guard, who are uniformed according to law, furnish from the state arsenal, when in his opinion they can be spared without manifest injury to the service of the state, and of the United States, the number and kind of arms and equipments suited to the corps, he being first satisfied that the said corps is provided with a proper depository for such arms and equipments; and he shall require the commandant of the company to give bond, with sufficient security, that the same shall not be loaned or suffered to go out of the possession of the company, and shall be kept in good order, and returned to the state arsenal when he shall so require; it shall be the duty of the quartermaster general carefully to examine the returns made to the adjutant general's office of the number and condition of public arms and equipments in the respective regiments and battalions, with the number

Commandant of company to give bond.

actually loaned to the respective companies in such regiments or battalions; and if the number does not appear on the respective returns, or their good condition is not manifested, the said quartermaster general may with the approval of the major general commanding the division cause the public arms and equipments of such companies to be retured to his care; he may require all arms belonging to the state, deposited in any place or in possession of any person or persons, not under lawful responsibility, to be returned to the arsenal, and he is hereby required to keep any arms and equipments so returned separate from those already in the arsenal; it shall be the duty of the quartermaster general to make an annual report to the governor and commander-in-chief of the number and condition of the arms and equipments belonging to the state, the number loaned out, in whose hands, and whether they remain under proper responsibilities, including in said return all camp equipage in his charge; and he is authorized to require from the respective inspectors of brigade such particular returns as may give every information requisite fully to carry this section into effect; he shall require annual returns from the captain or commanding officer of every uniformed corps, furnished with arms and equipments, the property of the state, on or before the first day of October in each year, of the actual situation, condition, and number of the arms and accoutrements, and the number of men actually enrolled, equipped and in uniform, doing military duty, of the respective corps; and in case of failure of such commanding officer to make such returns, or if the number of arms loaned to such corps does not fully appear on the respective returns, or their good condition is not manifest, the quartermaster general shall cause the said arms and equipments to be returned to his care; he may from time to time issue such orders and make such regulations as he may deem necessary and proper for the care and safe keeping and return of the military property of the state in the use of the uniformed companies; he may issue to any officer the arms and accoutrements required by him, for his use in the military service of the state, on payment of the regulation price, said price to be placed to the credit of

Annual report to be made to the governor.

the arsenal, and accounted for by the quartermaster general in his annual report; he shall furnish, upon due requisition, such arms, ordnance and accoutrements, equipments or implements therewith, ammunition, tents, camp equipage or other state property, and such subsistence and forage, to conform as nearly as may be to the rations and forage as shall be prescribed by regulation of this state, to be issued in kind or commuted as may be required at any time for the use and supply of the state forces, at any parade, encampment or station, or as may be required by them when on actual service; he is hereby authorized to nominate and appoint, by and with the advice and consent of the commander-in-chief, from time to time, a suitable person as armorer or keeper of the state arsenal, to take charge of the said arsenal, to repair and keep in good and proper order the arms and equipments belonging to this state, that now are or may hereafter be placed under his charge, and the said armorer shall be responsible to the quartermaster general for safe keeping of the said arms and equipments.]

To appoint armorer or keeper of arsenal.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1884.

CHAPTER XXIX.

A Further Supplement to an "An act for the construction, maintenance and operation of water works for the purpose of supplying of cities, towns and villages of this state with water," approved April twenty-first, eighteen hundred and seventy-six.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this is a supplement, be amended so as to read as follows:

[1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any number of persons, not less than seven, a majority of whom shall reside in this state, may form a company for the purpose of constructing, maintaining and operating water works in any city, town, township, village or seaside resort in this state, having a population of not more than fifteen thousand, and not less than five hundred inhabitants, and for the purpose of supplying such city, town, township, village or seaside resort, and the inhabitants thereof with water.] Formation of company authorized in certain cities, towns, &c.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1884.

CHAPTER XXX.

A Further Supplement to an act entitled "An act concerning corporations," approved April seventh, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the directors of any banking corporations having capital stock divided into shares and created under the laws of this state by special act of incorporation or otherwise, shall require the cashier appointed by them, before he performs or enters upon any duties as such cashier, to give bond or bonds, with good and sufficient security, to be approved by the board of directors thereof, in the penal sum of at least twenty thousand dollars, conditioned for the faithful performance of the duties of such cashier, and it shall be the duty of the directors of said corporations, as often as once in every year, to pass upon the sufficiency of the said bond or bonds, and if insufficient, to require without delay new and additional bonds and securities to be given. Cashiers of banking corporations to give bonds before entering upon duties.

2. *And be it enacted*, That if the directors of said corporation should fail to perform any or all of the require- Directors failing to perform requirements, &c., liable.

ments of the last preceding section they shall be jointly and severally liable to the said corporation to the extent of any defalcation of or deficiency in the funds of said corporation created or caused by said cashier, not in excess of the sum of twenty thousand dollars, the same to be recovered by said corporation in any court of competent jurisdiction of this state.

Repealer.

3. *And be it enacted*, That all acts, or parts of acts, inconsistent or conflicting with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 5, 1884.

CHAPTER XXXI.

An Act to enable incorporated towns to construct water works for the extinguishment of fires, and supplying the inhabitants thereof with pure and wholesome water.

Authorized to take and convey water for domestic and other purposes.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That any incorporated town in this state be, and it is hereby authorized in the manner hereinafter provided, to take and convey from such source or sources as may be practicable, into, and through said town, such quantity of pure and wholesome water as may be required for domestic use, the extinguishment of fires and other purposes by the inhabitants residing within the corporate limits of said town; and to this end such town, is hereby authorized by its board of commissioners or other governing body by whatever name it may be called, to appoint three commissioners to be called "water commissioners," who shall have the powers and perform the duties hereinafter mentioned; the first of said water commissioners shall hold his office until the first Monday in May succeeding his appointment, the second for one year, and the third for two

Appointment of water commissioners.

years from the first Monday in May succeeding their appointment. On the first Monday in May in each year after their appointment, one water commissioner shall be appointed by such town, who shall hold his office for the term of three years. In case a vacancy should occur in the office of water commissioners, such town, by its commissioners or other governing power, shall appoint a proper person to fill the same and serve the unexpired term. No member of the board of commissioners or other governing power of such town shall be eligible to the office of water commissioner.

Vacancy, how filled.

2. *And be it enacted*, That the said water commissioners, and every of them, appointed under the provisions of this act, before entering on the discharge of the duties prescribed by this act, shall severally take and subscribe before the clerk of said town, who is hereby authorized to administer the same, an oath or affirmation, faithfully and impartially to discharge all the duties imposed on them by this act, which said oath or affirmation shall be filed in the office of the clerk of said town; and further, before entering upon the discharge of the duties prescribed by this act, each of said water commissioners shall repair to the board of commissioners or other governing body of said town, and enter into bond to the said town by its corporate name, with two freehold securities to be approved of by the commissioner or other governing power of said town, in such sum not less than three thousand dollars as the said board of commissioners or other governing power may direct, conditioned for the true and faithful performance of all the duties of the said office of water commissioner; no water commissioner shall be interested or concerned, directly or indirectly, in any contract or agreement for furnishing labor or materials in the erection or repair of the works authorized by this act, which said water commissioners may make or cause to be made; but each of said water commissioners shall be entitled to receive, out of the revenues arising from said works and created by this act, the sum of one dollar and fifty cents per day for each day actually employed, not exceeding in the whole the sum of one hundred dollars in each year.

Commissioners to take oath and give bond.

Compensation.

Empowered to contract and maintain reservoirs, &c.

3. *And be it enacted,* That the said water commissioners are hereby invested with all the powers necessary to enable them to construct, keep up and maintain such reservoirs, aqueducts and apparatus for elevating water, as they may deem necessary, from time to time, with such erections, works, establishments and fixtures, as may be, in their opinion, required to effectuate the objects of this act, and to take and use such parts of the waters of any stream necessary for the purposes contemplated by this act, and to lay all pipes under the streets or through private property that may be needed to conduct said water to the reservoirs, and from the reservoirs to such parts of the town and vicinity, as the governing board of said town may, from time to time, deem expedient, and for these purposes, said water commissioners may make all such contracts, and employ all such engineers, workmen and laborers, as they may deem necessary, subject, however, to the restrictions hereinafter provided.

Proceedings in case of disagreement between water commissioners and owner of lands as to compensation.

4. *And be it enacted,* That if it should become necessary, in the opinion of said water commissioners, to lay pipes through any private lands, or if any private lands shall be required for erecting reservoirs or other works thereon or from which they may desire to take and use the water of any spring or springs, stream or streams of water, and no agreement can be made with the owner or owners thereof, as to the amount of compensation to be paid for the laying said pipes through said lands, or the price of such lands as the case may be, by reason of the unwillingness of said owners, or any of them, to accept such compensation or price as said water commissioners may deem reasonable, or by reason of the absence or legal incapacity of said owners, or any of them, it shall be the duty of either of the justices of the supreme court of this state, upon application to him by said water commissioners, and after ten days' previous notice in writing of such application to the persons interested, if known and in this state, or if unknown or out of the state, after publication thereof for any term, not less than ten days, in a newspaper published in such town, to appoint three disinterested appraisers, from the county wherein such town is situate, to determine the compensation to be paid for the laying of said pipes through said lands, or the price to be

paid for said lands as the case may be; and it shall be the duty of said appraisers (after having taken an oath or affirmation faithfully and impartially to discharge the trusts herein reposed in them, and after having carefully viewed the premises), within twenty days after their appointment, to deliver to said water commissioners a written appraisement, under the hands and seals of them, or a majority of them, of the award they have made, containing a full description of the lands, required as aforesaid, which appraisement the said water commissioners shall cause to be recorded in the registry of deeds for the said county; and upon payment or tender, by the said water commissioners to such owner or owners as aforesaid, or some one of them, of the sum awarded in such appraisement, if any, then the said water commissioners shall have power to enter upon and take possession of the said lands for the purposes aforesaid, and the said town shall be deemed seized in fee simple of the lands required for the erection of the said reservoirs or other works as aforesaid; and in case any owner or owners of such lands shall be feme covert, under age, non compos mentis, or out of the state, then and in that case it shall be sufficient for said water commissioners to pay the amount which may have been appraised as aforesaid, into the court of chancery of this state, subject to the order of said court, for the use of the party or parties entitled to the same; the costs of all which proceedings shall be taxed by the said justice of the supreme court, and paid by the said water commissioners.

Proceedings in case of appeal.

5. *And be it enacted*, That in case the commissioners or the owner or owners of the said land shall be dissatisfied with the award of the appraisers named in the preceding section, and shall apply to the justices of the supreme court at the next term after filing of the said award, the court shall have power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the said issue to be tried at the next circuit court to be holden in said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said

jury to assess the value of the said land or damages sustained, and if they shall find a greater sum than the said appraisers shall have awarded in favor of the said owner or owners, then judgment therefor, with costs, shall be entered against said commissioners, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the commissioners shall have offered or the said appraisers awarded, then the said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct; but such application shall not prevent the commissioners from taking or laying pipes through said lands upon the award of the appraisers, the value or damages being first paid, or upon a refusal to re-receive the same, upon a tender thereof, or the owner or owners thereof being under any legal disability, the same being first paid into the court of chancery.

May enter upon lands to make necessary repairs.

6. *And be it enacted*, That whenever it shall become necessary to make any repairs or alterations in any pipes, which may have been laid through any private lands, either by virtue of the preceding section, or by agreement with the owner or owners thereof, it shall be lawful for the said water commissioners, with their workmen and agents, and with necessary vehicles, tools and implements, to enter upon said lands, and make the necessary repairs and alterations, doing no unnecesssary damage; *provided always*, that nothing in this section contained shall be so construed as to protect the said water commissioners, or their workmen or agents, from any action that may be brought against them, individually, by the owner or owners of said lands, for any damage which they may have wilfully or unnecessarily done.

Proviso.

Work and material to be procured by contract when expenditure exceeds two hundred dollars.

7. *And be it enacted*, That the work and materials, which the said water commissioners are hereinbefore authorized to procure, shall be obtained by contract, whenever the expenditure for any particular work and material shall exceed two hundred dollars, and that notice shall be given by said water commissioners by public advertisement, so that ample time may be given for the reception of proposals therefor; in any advertisement, the proposals invited shall be set forth with as much precision as possi-

ble, and it shall be distinctly stated in such advertisement, that no extra allowance above the contract price agreed upon will be made under any pretext whatsoever; each contract shall, in all cases, be awarded to the lowest bidder therefor, who shall give bond, with ample security, for the faithful performance of the contract; all such bonds shall be executed to the town in its corporate name, and deposited for safe keeping with the clerk of said town, and no extra allowances shall be made by said water commissioners to any contractor or contractors; all contracts involving a greater amount than two hundred dollars, and all contractors' bonds, shall be presented to and approved of by the governing power of said town, before said contract shall take effect.

To be awarded to lowest bidder who shall give bond.

8. *And be it enacted*, That when said works shall have been sufficiently completed, the said water commissioners shall have authority to furnish water to individuals, and to establish such general rates of price and time of payment thereof as they may deem proper, and to prescribe such rules, regulations, conditions and restrictions as to the use of water, as may, in their opinion, be necessary to prevent abuse; the said water commissioners shall have power, and it shall be their duty, to stop off the water from any premises, the owner or occupants of which shall have neglected to pay such price, at the time specified for the payment thereof, or shall have violated or permitted the violation of any of said rules, regulations, conditions, or restrictions; and whenever the said water commissioners shall have caused the water to be stopped off from any premises, for either of the causes aforesaid, they shall not permit the same to be restored until the applicant for such restoration shall have paid all arrearages of water rent, together with the expenses incurred in stopping off the water; or in case said water shall have been stopped off by reason of any violation of the rules aforesaid, then they shall not permit the same to be restored until the expense of stopping off the same shall have been paid by the applicant for such restoration, and such applicant shall have given satisfactory security or assurance that such violation shall not again occur.

When work completed commissioners authorized to furnish water, &c.

9. *And be it enacted*, That the rents for the use of the water which said water commissioners may supply as afore-

Water rents to be a lien.

said, shall draw interest from the time they become due, and shall be and remain, until paid, a lien upon the premises to which the same may be conducted and supplied; and said water commissioners shall have similar remedies for the collection of said rents, with interest and costs, as the said town has by law for collecting the expense of paving sidewalks in front of lots required to be paved in said town, which remedies it shall be the duty of said water commissioners to enforce in all cases where the water rents shall be more than two years in arrear.

Proper persons may be employed to manage works, &c.

10. *And be it enacted*, That the said water commissioners shall have power to employ proper persons in the management of the works aforesaid, and in the collection of the said water rents, upon such terms as they may deem reasonable; *provided*, that no regular salaries or commissions shall be allowed or paid by said water commissioners, without having been first by them submitted to and approved of by the board of commissioners or other governing power of said town.

Proviso.

Duty of commissioners to erect hydrants.

11. *And be it enacted*, That it shall be the duty of said water commissioners to erect hydrants in the public streets of said town through which pipes for the supply of water shall have been laid, in such number and locations as the board of commissioners or other governing power of said town may from time to time direct, and to supply the same with water from the aforesaid works.

Penalty for injury to works or property.

12. *And be it enacted*, That if any person or persons shall wilfully do, or cause to be done, any act whatsoever whereby the said works, or any pipes, conduit, canal, plug, hydrant, cock, tank, cistern, reservoir, or any other thing appertaining to the same shall be stopped, obstructed or injured, the person or persons so offending shall, upon conviction thereof before a justice of the peace, forfeit and pay the sum of fifty dollars, with cost; which sum shall be collected in the same manner as is provided in the charter of such town for the collection of fines, and shall be paid over to said water commissioners.

Penalty for polluting water in any reservoir.

13. *And be it enacted*, That if any person or persons shall wilfully pollute or adulterate the waters in any reservoir erected under the provisions of this act, any person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine, not

exceeding five hundred dollars, or by imprisonment at hard labor, not exceeding three years, or both, at the discretion of the court before whom such conviction shall be had.

May issue bonds.

14. *And be it enacted*, That it shall be the duty of the board of commissioners or other governing power of such town from time to time, at the request of the said water commissioners, to issue the bonds of said town for an amount not exceeding in the whole the sum of sixty thousand dollars; these bonds shall bear a rate of interest not exceeding six per cent. per annum, payable semi-annually, the principal thereof to be payable in thirty years from the date thereof, or sooner, at the option of the said town; it shall be the duty of the treasurer of said town to make sale of the bonds so issued as aforesaid, at not less than their par value, and to pay the proceeds of said sales to said water commissioners, to be by them appropriated to the discharge of the duties imposed upon them by this act; the loan hereby authorized shall be called the water loan of said town.

Rates of interest, when due.

Treasurer to make sale of bonds.

Proceeds, how applied.

Bonds not liable to tax.

15. *And be it enacted*, That the bonds issued under the provisions of this act shall not be liable to any tax which may hereafter be levied by order of the said town.

Moneys for water rents, how applied.

16. *And be it enacted*, That such portion of the moneys received from the water rents or prices paid for the use of water, and interest on arrears of water rents, as may remain after paying all expenses for constructing and maintaining the works and raising and distributing the water, and salaries, wages and incidental expenses and charges, shall be applied first to the payment of the interest upon the debt created for the construction of the works, and next to the purchase of the bonds issued therefor, if the same can be obtained at reasonable rates, or if that cannot be effected, then to be safely invested by commissioners of the sinking fund of the said town, if any there be, and if none, then by the said governing body, and allowed to remain as a sinking fund, to be applied to the payment of the bonds at maturity.

Proceedings in case receipts are less than expenditures.

17. *And be it enacted*, That the said board of water commissioners shall, on or before a certain day in each year, to be fixed by said town, cause a careful estimate to be made of the interest on the water debt and cost of

managing and keeping in repair and operation of the works for the ensuing year, and of the amount to be received during the same year for the use of water and water rents, and of the deficiency, if any, of such receipts for the payment of such expenditures, and such water commissioners shall report the same in writing to said board of commissioners or other governing power of said town, and said deficiency said town shall raise by tax as other taxes are assessed, levied and collected, and said body shall, in case of any estimated deficiency, furnish a copy of such report to the board or officer, who by law is required to make assessments of taxes in said town.

Deficiency to be raised by tax.

May assess additional sum to cover losses.

18. *And be it enacted*, That it shall be the duty of the said board of commissioners or other governing power of said town to add to the sum so reported three per centum to cover losses and contingencies, and to assess such sum so increased upon all the taxable property in said town in the same manner as other taxes are assessed, and said taxes shall be collected by the collector and other officers of said town who are by law required to collect taxes, and if not paid at the time required by law for the payment of other town taxes, shall be collected by warrant and by and in the same manner as other taxes are collected in said town, and shall be a lien upon the property whereon the same are assessed in like manner.

Funds to be kept on deposit in bank.

19. *And be it enacted*, That it shall be the duty of said water commissioners to keep all funds which may come to their hands on deposit with one or more of the banks located in said town, and they shall draw said funds by checks upon said bank or banks, to be signed by at least two of their number, which said checks shall specify briefly the purposes for which the same are drawn; and

To keep accurate account on Receipts, &c.

the said water commissioners shall keep accurate accounts of their receipts and disbursements in proper books, to be provided by them for the purpose, and which shall always be open for the inspection of the commissioners or other governing power of said town and their authorized agents; and which accounts shall be annually, in the month of March, audited by a committee of said board of commissioners or other governing power of said town, and a short abstract thereof shall be published with the annual statement of the town finances; every water

commissioner, at the expiration of his term of office, shall deliver to his co-commissioners all books and papers which he may have in his possession or custody by virtue of his said office; and all books and papers of said water commissioners, which are no longer currently needed by them, shall be deposited with the clerk of said town who is hereby required to keep them safely in his office but with liberty to said water commissioners at all times to examine the same in said clerk's office.

Provisions of act inoperative unless assented to by majority of the legal electors thereof.

20. *And be it enacted*, That this act shall take effect immediately, but its provisions shall remain inoperative in any town in this state, until assented to by a majority of the legal electors thereof voting at an election to be held in said town, at any time to be fixed by the board of commissioners or other legislative body of said town, of which election the town clerk of said town, shall cause public notice of the time and place of holding the same to be given by advertisements signed by himself, and set up in at least five public places in said town, and published in one or more newspapers printed therein, for at least six days previous to the day of such election; and said clerk shall provide for each elector voting at such election, ballots, to be printed or written, or partly printed and partly written, on which shall be either the words "for the adoption for this town of the provisions of an act entitled 'An act to enable towns to supply the inhabitants thereof with pure and wholesome water,'" or "against the adoption for this town of the provisions of an act entitled 'An act to enable towns to supply the inhabitants thereof with pure and wholesome water;'" that the polls for such election shall be held at the usual places of holding the annual charter election in said town, and shall be opened at one o'clock in the afternoon and closed at six o'clock in the afternoon, and such election shall be conducted by the proper election officers of said town for the time then being, and in the manner as may then be prescribed by the ordinance of said town regulating elections therein, and such officers shall return to the board of commissioners or other legislative body of said town, a true and correct statement, in writing, under their hands, of the result of said election, the same to be entered at large upon the minutes of said body.

Unlawful to sell or dispose of any rights, privileges, &c., to any person, town, &c.

21. *And be it enacted*, That it shall not be lawful for any town, corporation or board of water commissioners or any other person or persons availing themselves of the provisions of this act or any supplement or amendments thereto, to sell or dispose of in any way any of the rights, privileges and franchises given, and the water thereof acquired to any other town, borough, village, city or corporation within this state, except the said corporation shall be located within said town or township wherein said town is located, and that it shall not be lawful to convey any of said waters beyond the limits of this state or sell or dispose of any of their rights, privileges and franchises to any person or persons or corporations for such purpose.

Not to apply.

22. *And be it enacted*, That this act shall not apply to any municipality of this state not named as a town in its act of incorporation.

Passed March 5, 1884.

CHAPTER XXXII.

An Act to authorize the amendment and re-institution of defective or illegal proceedings for laying out, opening, altering or closing streets and avenues in incorporated boroughs, towns and villages, and assessments on account thereof, and for the collection of said assessments.

Empowered to annul and re-institute proceedings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever by reason of any informality or illegality in any proceedings of the board of commissioners, surveyor or other agent of any incorporated borough, town or village, or of the governing body thereof, in laying out, opening, altering, widening, or closing any street or avenue, or in the assessment of damages on account thereof, the same shall be liable to be set aside or contested, any board of commissioners or other governing body for the time being of such incorpo-

rated borough, town or village, shall have power to annul and re-institute said proceedings from the point where such informality or illegality commenced or occurred; and no assessment shall be taken to be invalid in consequence thereof, and such proceedings shall be carried on and perfected from the point or place of such re-institution or amendment to the end as completely and effectually to all intents and purposes as if such informality or illegality had not occurred.

Costs to be assessed upon lands benefited.

2. *And be it enacted*, That if any new assessment shall be made under said re-instituted or amended proceedings, the person or persons authorized to make the same, shall assess upon all the tracts or lots of land and real estate benefited by such laying out, opening, altering, widening, or closing, such proportion of the costs, damages and expenses thereof as will be equal to the amount of benefits actually acquired by said lands and real estate from such laying out, opening, altering, widening or closing, proportioned equitably to the benefit each of said tracts or lots shall be deemed to acquire; and the balance of such costs, damages and expenses, if any, remaining unassessed, shall be a debt upon and paid by such incorporated borough, town or village out of moneys raised thereby for that purpose.

Assessment paid before re-institution, &c., to be a credit on new assessment and surplus if any repaid.

3. *And be it enacted*, That if any assessment or assessments shall have been paid before such re-institution or amendment of proceedings, the same shall be a credit on any new assessment, if any, which may be made under the said re-instituted or amended proceeding, and if the same shall happen to amount to more than such new assessment, the surplus shall be repaid.

Assessment to be paid within certain time.

4. *And be it enacted*, That any assessment which may have been made, or which may hereafter be made under the said proceedings, either originally or as re-instituted or amended, shall be paid to the said commissioners, or other governing body, or the treasurer of said incorporated borough, town or village, within sixty days after written demand thereof shall be made by said commissioners or other governing body, or their duly authorized agent for that purpose; and in case of neglect or refusal, said commissioners, or other governing body, shall make out a list of delinquents, and place the same in the hands

List of delinquents to be made.

of one of the justices of the peace of the township in which said borough, town or village is situated, who shall issue a precept in the nature of a tax warrant, directed to the marshal of the said borough, town or village, or one of the constables of the county, who shall proceed to collect the amount due from such delinquents in the same manner as township and county taxes are or hereafter may be authorized by law to be collected; *provided*, that before such warrant shall be issued, such justice shall be satified by the oath of one of the said board of commissioners or other governing body, that the amount claimed against such delinquent is justly due and unpaid, and that the same has been demanded as required by this act.

Proviso.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1884.

CHAPTER XXXIII.

A Supplement to "An act respecting bridges," (Revision.) Approved April tenth, one thousand eight hundred and forty-six.

Proceeding when bonds of freeholders shall be unable to agree as to location and construction of bridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if two or more boards of chosen freeholders shall be unable to agree as to the location or character of any bridge proposed to be erected at the joint expense of such boards, or as to the materials of which it shall be constructed; or if such boards shall be unable to agree as to whether a bridge already erected and out of repair shall be repaired or shall be rebuilt; or if they decide to rebuild, and shall be unable to agree as to the character of the new bridge, or the materials of which it shall be constructed, it shall be lawful for any one or more of the boards so disagreeing to certify such fact to one of the justices of the supreme court of this state; said justice shall thereupon summarily inquire into

the matter or matters in dispute, and to that end shall have power to employ one or more civil engineers and other persons, and within thirty days after such fact shall have been so certified to him, such justice shall make and sign an order, under his hand, and cause a copy thereof to be served upon each of the boards aforesaid, deciding the matter or matters in dispute, as certified to him, and such order shall be binding upon the boards aforesaid; any expenses incurred by such justice under this act shall be taxed by him and shall be paid in equal proportions by said boards.

Approved March 5, 1884.

CHAPTER XXXIV.

An Act to extend the time for the completion of railroads whose charters shall expire by limitation during the year one thousand eight hundred and eighty-four, where work has been performed on said railroads or money expended thereon.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the time limited for the completion of any railroad authorized to be constructed within this state, under special acts, shall expire during the year one thousand eight hundred and eighty-four, such time shall be, and the same is, extended for a further period of two years; *provided, however*, that this act shall not apply unless money has been actually expended in surveys, or locations of route, or in acquisition of right of way, or in construction; *and provided further*, that this act shall not apply to any corporation unless such corporation shall first and as a condition precedent to the exercise of any power granted by this act, file in the office of the secretary of state an agreement to be approved by the governor and the attorney general, waiving all rights of exemption from taxation, and from priv-

Time for completion extended for two years.

Proviso.

Proviso.

ileges and advantages arising from any law or contract (if any there be), establishing any special mode of taxation of any such corporation, and the further agreement to be bound by any general law of this state now in existence or that may hereafter be passed taxing such corporations as are now authorized to be taxed by the legislature of the state, under any general law, and further agreeing that the exercise of any power granted by this act shall not in any way affect the rights of the state (if any there exists), to take the property of such corporation under any existing law of the state, and agreeing further that all laws affecting such corporations shall be subject to alteration or repeal by the legislature.

2. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved March 6, 1884.

CHAPTER XXXV.

An Act to amend an act entitled, "An act respecting the salaries and compensation of clerks of counties in this state," approved March eleventh, in the year of our Lord one thousand eight hundred and eighty.

Section to be amended.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled, "An act respecting the salaries and compensation of clerks of counties in this state," approved March eleventh, in the year of our Lord one thousand eight hundred and eighty, shall be amended so as to read as follows:

Salary to be in lieu of all fees, &c.

[1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That in all counties of this state as to which it is now or shall hereafter be provided by law that compensation of the county clerks shall be by annual salary, the salary shall be in lieu of all fees, costs or other remuneration or compensation whatsoever for

any and all services required to be performed by said clerks, and shall be paid to said clerks in quarterly payments, by the collectors of said counties respectively, and all fees, costs and compensation that are now allowed said clerks for services in the courts of said counties shall be taxed in all bills of costs the same as they are now taxed, and shall be, in each county, collected by the said clerk, and be by him paid over to the county collector for the use of the county; and the fees now allowed by law for all other services rendered by the said clerks shall be by them collected and paid over to the said collectors respectively.]

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 6, 1884.

CHAPTER XXXVI.

An Act authorizing city boards having the control of the supply and distribution of water to issue bonds for the payment of indebtedness and for the construction, extension and maintenance of water works.

Authorizing additional issue of water bonds to pay indebtedness.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any board in any city of this state having the control of the supply and distribution of water in addition to the bonds already issued, to issue water bonds in the name and under the seal of the mayor and common council of any such city aforesaid in any sum not to exceed two hundred and twenty-five thousand dollars, and to bear interest at a rate not exceeding five per centum per annum, payable semi-annually, and to make said bonds redeemable at the expiration of thirty years from the date of issue thereof, which bonds such board aforesaid may negotiate and sell for the best price that can be obtained therefor, not less than the par value thereof; and it shall be the duty and

such board is hereby required to apply the proceeds of the sale of such bonds to the payment of the temporary loans and floating indebtedness due or which may hereafter be contracted by such board; and such bonds shall be issued in the same manner and under the same rules and regulations and the same liability for the payment of the same on the part of such city as is prescribed by law respecting water bonds heretofore issued by or on behalf of such board.

Additional issue of bonds for the extension of water mains authorized.

2. *And be it enacted*, That for the purpose of the extension of street water mains by any such board of any city of this state, it shall be lawful for any such board to issue bonds in the name and under the seal of the city aforesaid, in addition to the bonds in the first section of this act authorized to be issued, to an amount not exceeding twenty thousand dollars per annum; such bonds shall bear a rate of interest not exceeding five per centum per annum, and shall be redeemable at the expiration of thirty years from the date of the issue thereof, which bonds such board may sell for the best price such board can obtain for the same, but not less than the par value thereof; and such bonds shall be issued in the same manner and under the same rules and regulations, and with the same liability for the payment thereof on the part of any such city, as is prescribed by law respecting water bonds heretofore issued by such board; *provided*, that the annual issue of twenty thousand dollars of bonds by such board hereby authorized, shall wholly cease whenever the net revenue received by such board from water rents shall amount to the sum of twenty thousand dollars annually, in excess of the annual running expenses of such board and the interest necessary to be paid on the bonds heretofore and hereafter issued by or on behalf of any such board and in any event shall cease in the year one thousand eight hundred and ninety-two; *and provided, further*, that whenever the net revenue received from water rents by such board shall exceed the amount of the running expenses thereof during any year, together with the interest paid during such year, by such board, on the bonds issued by or on behalf of such board, then during the succeeding year thereafter such board shall issue only so much of such annual sum of bonds, by this section

Proviso.

Proviso.

authorized to be issued, as shall be necessary, together with such excess in receipts from water rents over the running expenses and interest aforesaid to make up the sum of twenty thousand dollars for the purpose aforesaid.

Fund for redemption of bonds, how created, &c.

3. *And be it enacted*, That in order to create a fund for the payment at their maturity of the bonds by the provisions of the foregoing sections of this act authorized to be issued by said boards as aforesaid, it shall be the duty of such board, at the beginning of each municipal year, to make a careful and accurate estimate of the amount of money, which will be necessary to raise the sum of three per centum of the amount of the bonds issued under the provisions of this act, and to report the same to the city board having the control of the finance of such city at or before the first regular meeting of such board in the month of March in each year; and such board aforesaid shall thereupon assess and levy the said sum by the tax ordinance or resolution of that year, and all proceedings in relation to the collection of the same, and the arrears thereof, shall be the same as those in relation to the other taxes of such city aforesaid; the city treasurer of such city shall keep his account of the moneys so received separately from his other accounts, and shall pay over the moneys so by him received to the sinking fund commissioners of such city, on or before the first day of October in each and every year; and in case the amount so assessed and raised in any year shall be more than sufficient or less than sufficient than the said sum of three per centum of the amount of bonds issued by such board under the provisions of this act, then such excess or deficiency as the case may be, shall be reported by such board to the board having the control of the finances of such city in any annual statement provided to be made by such board in the year then next ensuing, and the amount to be then assessed and levied by such board as aforesaid shall be increased or diminished accordingly, and such board of sinking fund commissioners is hereby authorized and required to invest any such sums so received from the treasurer of such city as aforesaid, from time to time, as such board of sinking fund commissioners shall think proper, as a sinking fund for the redemption of the bonds issued under and by virtue of the provisions of this act;

and such board of sinking fund commissioners respectively shall have the power to make such rules and regulations respecting the care and management of the said fund as such board of sinking fund commissioners respectively shall deem proper and expedient, but in no other way shall any part of such fund at any time be used in any manner inconsistent with the provisions of this act; and the said board of sinking fund commissioners respectively shall keep accurate accounts of the said fund, in distinct and separate books of account, and shall annually make a full and detailed report of the condition and state of such fund to the city board of their respective cities having the control of the finances thereof.

Not to exercise any power under act which bonded indebtedness exceeds certain sum.

4. *And be it enacted*, That no city board shall exercise any power under this act while the bonded indebtedness of such city exceeds fifteen per centum of its ratables liable to municipal taxation in such city.

Another to be raised by tax on water account not to exceed certain sum per annum.

5. *And be it enacted*, That no such city board shall require the board having the control of the finances of any city, to raise by direct tax any sum for interest or deficiency on water account, exceeding eighty thousand dollars per annum.

Repealer.

6. *And be it enacted*, That all acts and parts of acts, public, general, special, local or private, inconsistent herewith, be and the same are hereby repealed, and this act shall be deemed, taken and construed to be a general public act, and shall take effect immediately.

Approved March 6, 1884.

CHAPTER XXXVII.

Supplement to an act entitled, "An act for the organization of National Guard of the State of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto.

Governor may appoint six additional aides-de-camp.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the governor and commander-in-chief may appoint six additional aides-de-camp, with the rank of colonel, upon his staff, whose term of service shall expire with that of the governor and commander-in-chief appointing them.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 6, 1884.

CHAPTER XXXVIII.

An act to provide for the formation and regulation of co-operative societies of workingmen.

Formation of society authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any number of persons, not less than seven, residents in this state, to associate themselves into a society for the purpose of carrying on any lawful mechanical, mining, manufacturing or trading business, or for the purpose of trading and dealing in goods, wares and merchandise or chattels, or for the purpose of buying, selling, settling, owning, leasing and improving real estate and erecting buildings thereon, within this state, upon making and

filing a certificate of association, in writing, in manner hereinafter mentioned, and as such shall be deemed to be a corporation, and to possess all the powers incident thereto.

What certificate of association shall set forth.

2. *And be it enacted*, That such certificate of association shall set forth :

1. The name assumed to designate such society and to be used in its business and dealings, which name shall have the word "co-operative" as a distinguishing part thereof, but shall in no respect be similar to that of any other society organized under this act ;

II. The place or places in this state, where the business of such society is to be conducted and the location of the principal office of the same ;

III. The objects for which the society shall be formed ;

IV. The total amount of capital stock of such society, the number of shares into which the same is divided, the par value of each share, the manner in which the instalments on the shares shall be paid, the number of shares subscribed, and the amount actually paid in cash on account of the same ;

V. The terms of admission of the members ;

VI. Mode of application of profits ;

VII. The mode of altering and amending the certificate of association and the by-laws of the society.

How certificate executed.

3. *And be it enacted*, That the said certificate of association shall be signed by the persons originally associating themselves together, and shall be proved or acknowledged by at least seven of them, before an officer qualified to take acknowledgments of deeds of real estate, and after being approved by the chief of the bureau of statistics of labor and industries, shall be recorded in the office of the clerk of the county where the principal office or place of business of such society shall be established, and a copy of such certificate shall be filed in the office of the chief of the bureau of statistics of labor and industries.

When recorded and filed.

Business to be managed by board of directors, &c.

4. *And be it enacted*, That the business of every such society shall be managed and conducted by a board of not less than five directors, who shall respectively be members of said society and shall be annually elected at such time and place as shall be provided in the by-laws of the society, and one of such directors shall be chosen

president and one of them shall be chosen treasurer, and such directors and officers shall hold their respective offices until their successors are duly qualified; and that such society shall also have a secretary and such other officers, agents and factors as may be necessary to carry on its business, and shall choose them in the manner prescribed in the by-laws thereof. Officers.

5. *And be it enacted*, That the first meeting of such society shall be called by a notice signed by a majority of the persons named in the certificate of association, and designating the time, place and purpose of the meeting, and shall be personally served on all the persons signing said certificate, or by advertisement in a newspaper published in the county where such society shall have been incorporated, if such personal service cannot be made; and at such meeting so called, or at any adjourned meeting thereof, a majority of the persons so signing shall constitute a quorum for the transaction of business, and shall have power to elect the directors and other officers provided for in section fourth (4) of this act, who shall serve until their successors duly qualify, and to adopt by-laws, rules and regulations for the government of such society. First meeting to be called by notice, &c.

6. *And be it enacted*, That the by-laws of such society shall provide: What by-laws shall provide

I. For an annual meeting of the members thereof, and such other regular and special meetings as may be deemed desirable, the number of members necessary to constitute a quorum for the transaction of business, and the right of voting at the same;

II. For the election of directors and other officers, agents and factors, and their respective powers and duties;

III. For the limitation of the amount of such real and personal estate as the purposes of the society shall require;

IV. Whether the shares, or any number of them, shall be transferable, and in case it be determined that the same shall be transferable, provision for their transfer and registration, and the consent of the board of directors to the same; and in case it be determined that the shares shall not be transferable, provision for paying to

members the balance due to them on withdrawal, or of paying nominees in cases hereinafter mentioned;

V. How members may withdraw from the society;

VI. Whether and by what authority any part of the capital may be invested in or on security of another society through which its products are disposed of or its supplies secured;

VII. Whether and to what extent credit in its business transactions may be given or taken;

VIII. In what sum and with what sureties the treasurer and other fiduciary officers or agents shall give bonds for the faithful performance of their respective duties;

IX. For the audit of accounts;

X. For the distribution of the net profits;

XI. For the custody, use and device of the seal, which shall bear the corporate name of the society.

Name of society to be kept on outside of place of business.

7. *And be it enacted*, That every society incorporated under this act shall paint or affix, and shall keep painted or affixed, its name on the outside of every office or place in which the business of the association is carried on, in a conspicuous position in letters easily legible.

To have a registered office.

8. *And be it enacted*, That every society incorporated under this act shall have a registered office to which all communications and notices may be addressed, and notices in writing of the location of such office, and of any change therein shall be filed with the chief of the bureau of statistics of labor and industries, and in the office of the clerk of the county where the office of such society is located.

Capital stock to be divided into shares.

9. *And be it enacted*, That the capital stock of such society shall be divided into shares the par value of which shall not be more than fifty (50) dollars, and no share shall be issued for less than its par value; and that no certificate of shares shall be issued to any member until the shares are fully paid up.

No member entitled to more than one vote.

10. *And be enacted*, That no member of such society shall be entitled to more than one vote upon any subject, which vote must be cast in person; and that the board of directors shall have power, unless otherwise provided in the by-laws of the society, to fix and regulate the number of shares to be held by any one member.

May hold interest in any other society.

11. *And be it enacted*, That any society incorporated under this act may hold in its corporate name any

amount of interest in any other society through which its products are disposed of or its supplies secured; *provided*, that such interest so held shall not exceed one-third in value of the paid up capital of the society holding said interest. Proviso.

12. *And be it enacted*, That the board of directors of every society incorporated under this act shall annually make a statement in writing of the condition of such society, setting forth the amount of capital stock, the number of shares issued and the par value thereof, the number of stockholders and the number of shares held by each, the amount and character of the property of the society and of its debts and liabilities; and that said statement shall be signed and sworn to by a majority of directors, including the treasurer, and filed in the office of the clerk of the county where the principal office of such society is located, and that immediately thereafter a copy of such statement shall be forwarded to the chief of the bureau of statistics of labor and industries, who, if he shall have reason to doubt the correctness of such statement or upon the written request of five members of such society, shall cause an examination of the books and affairs of such society to be made and render a correct statement to the members thereof; and every member or creditor thereof shall be entitled to receive from the secretary a copy of such annual statement; and every director or other officer refusing to comply with the requirements of this section, or making and signing a false annual statement of the condition of the society, shall forfeit for each offence the sum of one hundred dollars to be recovered in an action of debt in any court of competent jurisdiction in this state by any member or creditor of the society who shall sue for the same. Annual statement to be made. When filed, &c. Penalty for refusing to make statement, &c.

13. *And be it enacted*, That any member or other person having an interest in the fund of any such society, may inspect the books thereof, at all reasonable hours, at the office thereof. Any member may inspect books.

14. *And be it enacted*, That there shall be such distribution of the profits of such society, among the workmen, purchasers and members, as shall be prescribed in the certificate of association, at such times as therein prescribed, as often at least as once in twelve months; Distribution of profits.

Proviso. *provided*, that no such distribution shall be made until a sum, equal to five per centum of the net profits, shall have been appropriated for a contingent or sinking fund, and that such appropriation shall continue to be made until there shall be accumulated a sum equal to thirty per centum of the capital stock of such society.

Member may nominate person to whom shares shall be transferred at death. 15. *And be it enacted*, That any member of such society, by a writing under his hand, delivered at the office of the society, may nominate any person, being the husband, wife, father, mother, child, brother, sister, nephew or niece or other relative of such member, to whom his or her share or shares of the capital stock of the society, shall be transferred at his or her decease, and from time to time, may revoke or vary such nomination, by a writing, similarly delivered; and such society shall keep a book, wherein the names of all persons so nominated, and the number of shares to be transferred shall be recorded; *provided nevertheless*, that in lieu of making such transfer, the society may provide for payment to all such nominees of the full value of shares intended to be transferred; *provided also*, that if by the by-laws of the society the shares are transferable, this section shall not be construed to forbid the transfer of such shares by sale or will or otherwise subject to the consent of the board of directors.

Proviso.

Proviso.

Dissolution of society. 16. *And be it enacted*, That any such society may be dissolved in the manner in which any other corporation may be dissolved under existing laws.

Each stockholder bound to pay his proportion of indebtedness. 17. *And be it enacted*, That where the whole capital of such society shall not have been paid in, and the assets of such society shall be insufficient for the payment of its debts, liabilities and obligations, each stockholder shall be bound to pay, on each share held by him, the sum necessary to complete the amount of such share, as fixed in the certificate of association, or such proportion as shall be required to satisfy such debts, liabilities and obligations; *provided, however*, that no such contribution shall be required from any person after the expiration of one year, from the time he has ceased to be a member, or for any debt, liability or obligation, contracted after he has ceased to be a member of such society.

Proviso.

18. *And be it enacted*, That an act entitled "An act to encourage the organization and regulate co-operative associations of workmen," approved March twenty-second, one thousand eight hundred and eighty-one, be and the same is hereby repealed, but no association established under said act, or any person having claims or demands against such association shall be affected by the repeal thereof, but in respect to such association, the said act shall still be in full force and effect; *provided, however*, that any such association may come under and be subject to the provisions and liabilities of this act, in the same manner as if formed under the same, if such association make and file the certificate of association required by this act. Certain act repealed. Proviso.

19. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1884.

CHAPTER XXXIX.

An Act in relation to apprentices in the service of pilots for the ports of Jersey City, Newark and Perth Amboy by way of Sandy Hook.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter every boat belonging to the pilots licensed by the laws of this state shall have but one indentured apprentice, who shall be attached to said boat, and indentured to its masters, and serve as said apprentice under the laws of this state at least four years, and at least three consecutive years of said apprenticeship as a boat keeper on said boat and shall be subject to all the laws now in force for the government of pilots of this state; shall be examined as now directed by law, and after said examination shall be licensed as a deputy pilot, at and under the discretion of the pilot commissioners of this state, and no person shall be ap- Pilot boat to have but one indentured apprentice.

pointed a pilot of this state by way of Sandy Hook except as herein provided.

Repealer.

2. *And be it enacted*, That all laws or parts of laws inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 10, 1884.

CHAPTER XL.

A Supplement to "An act for the preservation of fish," approved April fifth, eighteen hundred and seventy-eight.

Unlawful to catch fish with nets between certain times.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall not be lawful for any person or persons, either by day or night, to put, place or haul any gill, drift, or other net or nets, for the taking or catching of fish in any of the tributaries of the Delaware river below Trenton falls, at any time between the fifteenth day of June and the fifteenth day of July, in each and every year.

Unlawful to use net having a mesh less than certain size.

2. *And be it enacted*, That it shall not be lawful for any person or persons to use any gill, drift, or other net or nets, for the taking or catching of fish in any of said tributaries, having a mesh less than one and one-fourth inches square, making two and a half inches when stretched.

Penalty.

3. *And be it enacted*, That any person or persons who shall violate the provisions of this act shall be subject to all the pains and penalties imposed by section five of an act entitled "An act for the preservation of fish," approved April fifth, eighteen hundred and seventy-eight.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1884.

CHAPTER XLI.

An Act authorizing township committees to discharge the duties of overseers of roads.

Legal voters of township may pass resolution that all roads shall be under the control, &c, of township committee.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters of any township within this state may, at any town meeting, by a majority of the votes cast, pass a resolution or resolutions directing that all the roads in such township and the repairing the same, and the making of new roads laid out or that may hereafter be laid out, and the general management and care of the same shall be under the control and direction of the township committee of such township.

When resolution passed duties now imposed on owners of roads shall devolve upon township committee, &c.

2. *And be it enacted*, That upon the passage of such a resolution or resolutions all the duties now imposed by law on the overseer or overseers of the roads of such township shall devolve upon the township committee thereof, who shall have full power and authority to discharge the same, until the legal voters of such township shall, at any subsequent annual meeting, by a majority of the votes cast, order and direct that the care and management of the roads of said township, and the improvements and repairs thereon shall be restored to any overseer or overseers of the roads that may be chosen by said legal voters at such annual meeting, or by the legal voters of the several road districts in such township, at the annual election for that purpose.

Township committee not to enter on discharge of duties until certain time, &c.

3. *And be it enacted*, That the township committee shall not enter upon the discharge of the duties mentioned in the two preceding sections until the second Tuesday of March next following the meeting at which said resolution or resolutions shall have been passed, unless no overseer or overseers of the roads should be chosen at the annual meeting at which said resolution or resolutions were passed as aforesaid, or being then chosen said overseer or overseers should resign or in any way become

Proviso.

unable to discharge the duties of said office; *provided*, that the township committee of any township in this state which includes within its limits any incorporated village, shall enter upon the discharge of the duties mentioned in the first two sections of this act within ten days after the adoption by a majority of the votes cast at any annual meeting of a resolution transferring such duties to the township committee.

After passage of resolution not lawful to elect overseers of roads until certain time.

4. *And be it enacted*, That after the passage of such resolution or resolutions by the legal voters of any township as hereinbefore provided, it shall not be lawful for such township to elect any overseer or overseers of roads until the third annual town meeting or road district election next after the annual meeting at which the legal voters of such township shall by a resolution passed in due form determine so to do.

Approved March 10, 1884.

CHAPTER XLII.

A further supplement to an act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

When vacancy exists in office of assessor in city ward or township, majority of assessors of county may appoint committee to assess taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if in any city, ward or township of this state there exists a vacancy in the office of assessor of such city, ward or township, or a vacancy or vacancies in the membership of any board whose duty it is to assess and levy the state, state school and county taxes within such city, ward or township, at the time fixed by law for the meeting of the assessors of the county, it shall and may be lawful for the majority of the assessors of the county wherein such city, ward or township is situate attending such meeting after they shall have ascertained the proportion of the tax to be assessed and levied on the city, ward or township of the non-attend-

ing assessor in the manner prescribed by section nine of the act to which this is a supplement, forthwith to appoint a committee of not less than three of the attending members of their body, who thereupon are authorized and empowered to perform all duties which by law the assessor of any such city, ward or township, or any such board, is, or may be required by law to perform as to the levying and assessing of any state, state school and county taxes, within any such city, ward or township.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1884.

CHAPTER XLIV.

An Act to authorize the payment of the sum of five hundred dollars to the paymaster of the second battalion, first brigade, national guard, of the state of New Jersey, for company B, of said battalion, its appropriation for the year one thousand eight hundred and eighty-two.

Authorized to pay appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the comptroller of the state of New Jersey be, and he hereby is authorized to draw his warrant on the treasury in favor of the paymaster of the second battalion, first brigade, national guard of the state of New Jersey, for the sum of five hundred dollars for company B, of said battalion, being the amount of appropriation of money to which said company would have been entitled for the year one thousand eight hundred and eighty-two, if the muster rolls of said company had shown the standard number of men required by law.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 12, 1884.

CHAPTER XLV.

An Act to authorize the payment of the sum of five hundred dollars to the paymaster of the first regiment infantry, first brigade, national guard of the state of New Jersey for Company A of said regiment, its appropriation for the year one thousand eight hundred and eighty-three.

Authorized to pay appropriation.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the comptroller of the state of New Jersey be and he is hereby authorized to draw his warrant on the treasury in favor of the paymaster of the first regiment infantry, first brigade, national guard of the state of New Jersey, for the sum of five hundred dollars, for company A of said regiment, being the amount of appropriation of money to which said company would have been entitled for the year one thousand eight hundred and eighty-three, if the muster rolls of said company for said year had shown the standard number of men required by law.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March, 12, 1884.

CHAPTER XLVI.

An Act in relation to volunteer fire departments of this state.

Companies in active duty entitled to all privileges, &c. of any other company.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That all volunteer fire companies organized under the laws of this state and doing

active duty in any of the cities of this state shall be entitled to all the privileges and immunities of any other company in the department of said city, notwithstanding any law to the contrary thereof.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 12, 1884.

CHAPTER XLVII.

An Act in regard to the numbering of houses in cities.

Common council empowered to adopt scheme for numbering houses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in cities of the first and second classes the common council shall have power to adopt a scheme for numbering and renumbering all buildings in their respective cities by streets, and through some appropriate committee or the street commissioner may designate the number to be given to each such building or parts of any building, and shall immediately notify the owner or person occupying such building or such part thereof of the number designated therefor, and in case of failure of said owner or occupant, for the space of thirty days next thereafter, to cause such number to be properly attached in front thereof, then it shall be lawful for such common council, by resolution, to direct such committee or the street commissioner to attach such number and to include the expense thereof, which shall not exceed the sum of fifty cents, in the then next annual assessment for taxes against said dwelling, and the same shall be payable and collected in the same manner as other taxes are collected.

2. *And be it enacted*, That this act shall be a public act and take effect immediately.

Passed March 12, 1884.

CHAPTER XLVIII.

An Act concerning cities.

Bills incurred for coal for operating of water works in excess of amount allowed by law without advertisement for proposals, how paid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where in any city or cities of this state, the board having charge of the water works of such city or cities, has heretofore incurred bills for coal necessary to keep said water works in operation in excess of the amount allowed by law to be incurred without advertisement for proposals, in such case the board of finance or other board having control of the finances of any such city or cities is hereby authorized, notwithstanding such failure to advertise for proposals, upon the board first above mentioned, determining by resolution the amount of said bills and the person or persons to whom they are to be paid, to order warrants to be issued to such person or persons for such amount or amounts.

Repealer.

2. *And be it enacted*, That any part or parts of any act or acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Passed March 12, 1884.

CHAPTER XLIX.

A Supplement to an act entitled "An act to prevent the spread of glanders in horses," approved March thirty-first, one thousand eight hundred and sixty-four.

Duty of persons to notify local board of health of existence of disease.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the event of the disease called by the name of "glanders," being known or suspected

to exist in any locality of this state, it shall be the duty of all persons owning or having any interest in or having in their possession or under their control any horse or horses, mare or mares, gelding or geldings, ass or asses, mule or mules, having in or upon them, or being suspected to have in or upon them, such disease, forthwith to notify the local board of health or any member thereof that such disease exists, or is suspected to exist, and thereupon it shall be the duty of the said board of health to notify the state board of health, or some one designated by them, to investigate the same and quarantine said animal or animals and the premises where they are kept and take such other precautionary measures as to any animal or animals sick, or as to other animals that have been or are in proximity thereto, as shall be deemed necessary, and to enforce such regulations as are provided for in the law to which this is a supplement or such additional regulations as in the judgment of said state board of health the exigencies of the case may seem to require, or if said board or any member thereof, without notification shall have any reason to believe that the said disease exists in or among any animals in this state, it shall have the same power of inquiry and examination and the same rights of jurisdiction as are herein provided where there has been notification by the owner or person having interest in or possession or control of such animals.

State board of health to be notified to investigate, &c.

2. *And be it enacted*, That the said state board of health may call upon local boards of health to discover cases of the disease known by the name of "glanders" and to aid in provisions for their abatement.

State board may call upon local boards to discover diseases.

3. *And be it enacted*, That for the purpose of quarantining animals the said state board of health or its representatives may take and retain in their control property, real and personal, of the owner or person having interest in or possession or control of such sick animal or animals to the extent and for the time necessary in the judgment of said state board of health or its said representatives to prevent the spread of such disease.

Proceeding by state board to quarantine animals.

4. *And be it enacted*, That the said state board of health, or any member thereof, whenever satisfied that any horse or horses, mare or mares, gelding or geldings, ass or asses,

Animals diseased with glanders to be destroyed, &c.

mule or mules is or are diseased with glanders, shall cause the same to be immediately destroyed, and all places in which said animal or animals have been kept, to be cleansed and disinfected and kept under quarantine until considered safe.

Penalty for refusing or neglecting to notify state board of existence of disease.

5. *And be it enacted*, That any person or persons refusing or neglecting to notify said board of health or a member thereof of the existence or suspected existence of the said disease known by the name of "glanders" among any of the animals aforesaid, shall be deemed and adjudged guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars or by imprisonment not exceeding one year, or both, at the discretion of the court.

Who to determine amount to be allowed for services required by act.

6. *And be it enacted*, That the governor, the secretary of state and the comptroller shall determine the amount to be allowed to said board, or any member thereof, for services in the oversight and execution of all things in and by this act required to be done.

7. *And be it enacted*, That this act shall take effect immediately.

Passed March 12, 1884.

CHAPTER L.

A supplement to an act entitled "An act relative to fishing in the North and South Shrewsbury rivers, and in the waters of Sandy Hook and Raritan bay," approved March seventeen, eighteen hundred and eighty-two.

Section repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of said act, which reads as follows:

[2. *And be it enacted*, That it shall be lawful to draw crab nets, not exceeding sixty feet in length and not less than three inch mesh, in the North and South Shrewsbury rivers,] be and the same is hereby repealed.

Approved March 12, 1884.

CHAPTER LI.

A Further Supplement to an act entitled "An act to incorporate associations for the establishment of lyceums, libraries and literary and scientific societies," (Revision) approved April ninth, eighteen hundred and seventy-five.

Lawful for corporation to provide by by-laws that the mayor or any two other public officers of city shall be ex-offico trustees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any corporation formed under and in pursuance of the provisions of this act, to provide by its by-laws, that the mayor and any two other public officers of any city in which it shall carry out the purpose for which it shall be formed, shall be ex-officio trustees of such corporation in addition to the trustees such corporation is now by law authorized to elect.

To have rights and privileges of trustees.

2. *And be it enacted*, That such ex-officio trustees shall have and exercise all the rights and powers of trustees of such corporation.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1884.

CHAPTER LII.

An Act concerning official newspapers in cities of this State.

Lawful for city to designate what shall be an official newspaper.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any city in this state, to designate as an official news-

paper, in place of any other weekly official newspaper of such city not designated on account of the fact that such newspaper is published in a certain part of such city, any newspaper which shall have been published in such city, at least once a week for a period not less than one year prior to the passage of this act, notwithstanding such paper shall have been published on the day of the week commonly known as Sunday.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 13, 1884.

CHAPTER LIII.

A further supplement to an act entitled "An act for the punishment of crimes," approved March twenty-seventh eighteen hundred and seventy-four.

Penalty for defacing public bridges or laying telegraph or telephone wires or gas or water mains on such bridges without permission.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person shall deface or mar any of the public bridges in this state, or obstruct, or attach, or lay upon any such bridge any telegraph, telephone or electric wires, or any water or gas mains, without permission first had and obtained from the board of chosen freeholders of the county or other proper authority, wherein such bridge is situate, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned for a term not exceeding one year, or punished by a fine not exceeding five hundred dollars, or both.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 13, 1884.

CHAPTER LIV.

An Act for the encouragement of free libraries in cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities in which a public library, lyceum and reading room association now exists, incorporated under and in pursuance of an act entitled "An act to incorporate associations for the establishment of lyceums, libraries and literary and scientific societies," (Revision), approved April ninth, one thousand eight hundred and seventy-five, and the supplements thereto, the common council, board of aldermen, board of education or other municipal body having control of a free library established and maintained from public moneys, shall have, and such board or municipal body is hereby given, power to lend and transfer without receiving compensation therefor, such free library to such public library, lyceum and reading room association, for such time and upon such provisions for its safety as may be agreed upon between such board or municipal body and such public library, lyceum and reading room association, and during the said time said board or municipal body shall pay to such public library, lyceum and reading room association, any sum or sums of money that such board or municipal body may be empowered to appropriate and expend for the establishment and maintenance of a free library, provided the powers hereby given shall not be exercised unless the by-laws of such public library, lyceum and reading room association shall during said last mentioned time, make the mayor of such city and the presiding officer of such board or municipal body and the superintendent of the public schools of said city, ex-officio trustees of such library, lyceum and reading room association, and also make provision for keeping open such free library and the library and reading room of such association in some convenient place for the free use of the teachers and pupils of the public

Free library may be transferred to public library in certain cities.

Appropriation for free library to be paid to public library.

Powers not to be exercised unless by-laws of public library shall make certain provisions.

schools and citizens of such city, subject to such rules and restrictions as the trustees, ex-officio and otherwise, of such association may from time to time deem necessary or advisable.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 18, 1884.

CHAPTER LV.

A supplement to an act entitled "An act concerning corporations," approved April seventh, eighteen hundred and seventy-five.

Paragraph to be amended recited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That to paragraph III. of section ten of the act entitled "An act concerning corporations," approved April seventh, eighteen hundred and seventy-five, which now reads:

[III. The total amount of the capital stock of such company, which shall not be less than two thousand dollars, the amount with which they shall commence business, which shall not be less than one thousand dollars, and the number of shares into which the same is divided, and the par value of each share]; there shall be annexed the following proviso, which is:

Amount of capital stock requisite in formation of company for keeping herd register.

[*Provided*, that when any corporation is to be formed for the purpose of originating and keeping a herd register for the entry therein of any kind of thoroughbred horses, cattle, swine, sheep or other domestic animals, the total amount of the said capital stock of such herd register company, may be any sum not less than two hundred dollars, and the amount with which they shall commence business shall not be less than one hundred dollars.]

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 18, 1884.

CHAPTER LVI.

A Further Supplement to the act entitled "An act for the punishment of crimes," (Revision) approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no cemetery corporation, association or company organized under any law of this state, owning or having control of any cemetery or place for the burial of the dead, shall refuse to permit the burial of any deceased person therein because of the color of such deceased person, and any cemetery corporation, association or company which shall violate the provisions of this act, shall be deemed guilty of a misdemeanor and on being convicted thereof shall be punished by a fine not exceeding five hundred dollars.

No cemetery association shall refuse to permit the burial of deceased because of the color of the deceased.

Penalty.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 19, 1884.

CHAPTER LVII.

An Act concerning the publication of financial statements in cities of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state, in which annual financial statements of such cities are required to be published, such financial statements may be published at the termination of each fiscal year.

Financial statements may be published at end of fiscal year in certain cities.

May be in pamphlet form.

2. *And be it enacted*, That said financial statements may be published in pamphlet form.

Repealer.

3. *And be it enacted*, That all acts and parts of acts, general, special, local or otherwise, and all charters and parts of charters inconsistent with the provisions of this act, be and the same are hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 19, 1884.

CHAPTER LVIII.

An Act to provide for and secure the raising of revenue for the execution of the public duties of maintaining public schools, preventing the destruction of property by fire, preserving the public health, supporting the poor, maintaining police and keeping the highways and streets in a safe condition for public use, within the limits of incorporated cities, towns and municipalities in cases where the local or municipal authorities or officers fail to provide for the performance of such duties.

Assessment and levy of taxes for certain purposes when local authorities or officers fail to perform their duties in respect thereto.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That whenever in any incorporated city, town or municipality in this state, the local authorities, boards or officers authorized by law to assess and levy the taxes enumerated and defined in section five hereof, shall not be in existence and qualified to act at the time when by law assessments or valuations of taxable property may be commenced; or whenever such local authorities, boards or officers shall for any cause whatever neglect or fail to commence the assessment or valuation of property for the purpose of taxation for the space of ten days after the time fixed by law when taxes become a lien upon land in such city, town or municipality; or shall neglect or fail to levy the taxes specified in

section five hereof at the time required by law, it shall be the duty of the governor, in either of the said three cases, to cause a notice to be given the mayor of such city, town or municipality, if there be any such officer, or to the president or chairman of the legislative or governing body, if there be no mayor, calling attention to the fact that the local authorities, boards or officers authorized to levy such taxes are not in existence and qualified to act as aforesaid, or that they have neglected to commence the assessment and valuation of property, as aforesaid, or that they have neglected or failed as aforesaid to levy said taxes, which notice shall further state that unless proceedings be duly taken to make the assessment, valuation or levy within ten days after the giving of the notice, that the governor will appoint commissioners of taxation under this act to make the assessment and levy of taxes as herein provided. If the governor at the expiration of said ten days shall be satisfied that the said vacancies still exist, or that the said local authorities or boards or officers have not commenced the assessment and valuation of property for taxation, or that said taxes have not been levied at the time required by law, it shall thereupon be the duty of the governor to appoint and commission three freeholders, who shall be residents of such city, town or municipality, to be known as "commissioners of taxation," whose duty it shall be under the authority of this act to assess and levy the taxes specified in section five hereof, as herein provided, and to discharge all other duties required hereby.

Governor to give notice.

Governor to appoint commissioners to assess and levy taxes.

2. *And be it enacted*, That it shall be the duty of the said commissioners to meet and organize by the election of a chairman and secretary immediately after their appointment, and proceed to assess all the property in the city, town or municipality subject to taxation at its full and fair value; they shall tabulate and arrange lists in suitable books, which shall exhibit in alphabetical order, or otherwise, the names of all persons, firms or corporations liable to be assessed to pay any tax, together with the value, enumerations and assessment of the objects subject to taxation, for which each person, firm or corporation is liable, and complete the same at a date three weeks prior to the annual meeting of the assessors of the county;

Duties of commissioners.

and at least four weeks prior to the meeting of the assessors of the county, the said commissioners shall give notice by advertisement in at least one newspaper, published or generally circulating in said city, town or municipality, that the books containing said lists will be open for public inspection, examination and correction, at some suitable place therein, for two weeks, being the second and third weeks preceding the meeting of the assessors of the county, during which time the said commissioners shall consider all complaints touching such assessments and make corrections therein; but no assessment shall be increased during said period of two weeks without a previous notice in writing of three days to the party interested; and it shall be lawful for said commissioners to require all parties liable to taxation to render an account of their taxable property in such manner as they shall direct, and to require by summons the attendance of witnesses, and the production of books and papers, and to enforce obedience to such requirements in the manner now provided by law in such city, town or municipality.

Commissioners to attend meetings of assessors of county.

3. *And be it enacted*, That the said commissioners shall attend all the meetings of the assessors of the county, and immediately after the adjournment of the annual meeting of said assessors the commissioners shall proceed to fix such a percentage upon the gross valuation of the taxable property in such municipality for the current year as will produce the amount of tax required to be raised in said year for the purposes specified in this act, which shall be declared by them to be rate of taxation for said year, and they shall complete the said lists and deliver the same within three weeks from the time of fixing the rate, to the officer or officers of the city, town or municipality whose duty it is to collect taxes levied therein.

To fix rate of taxation for current year, &c.

Further duties of commissioners.

4. *And be it enacted*, That it shall be the duty of the commissioners to make out the bills or notices of demand of the payment of said taxes, and notices of the meeting of said commissioners as hereinafter provided, and shall forthwith serve or cause to be served, such bills and notices on all resident taxpayers, and mail the same to all non-resident taxpayers whose residences are known, and the said commissioners shall meet at the time and place

stated in said notice (which shall be within thirty days after the delivery of the said books to the officer or officers whose duty it is to collect taxes), and shall hear and determine by a vote of a majority of the commissioners, appeals from said assessments by all persons who shall make it appear by affidavit to the satisfaction of the commissioners that they were absent from the municipality or disabled by sickness from appearing during the second and third weeks preceding the meeting of the assessors of the county, and the said commissioners shall meet from day to day until all applications shall be disposed of, to hear said appeals, and shall deliver a particular statement of all taxes increased or remitted by them to the officer or officers for the collection of taxes.

Shall hear and determine appeals.

5. *And be it enacted*, That the commissioners appointed in pursuance of this act shall have power to levy taxes for such sums as they shall deem expedient for the following and no other purposes:

Commissioners empowered to levy taxes for certain purposes.

I. For the support of public schools and the repair of school houses.

II. For protecting property within such city, town or municipality from fire.

III. For the protection and maintenance of the public health within such city, town or municipality.

IV. For the maintenance and support of the poor.

V. For the support and maintenance of a police force within such city, town or municipality.

VI. For keeping the highways and streets within the limits of such city, town or municipality in a safe condition for public use.

VII. For the expenses of assessing and collecting the taxes levied under this act, and in addition thereto a sum to meet deficiencies not exceeding ten per cent. of the sums required to be raised for the above stated purposes.

Taxes, how applied.

All taxes levied in pursuance of this act shall be applied solely to the purposes for which they were levied; and it shall be unlawful to appropriate or use or direct or order their appropriation or use for any other purpose or purposes whatever.

6. *And be it enacted*, That no tax levied in pursuance of this act in any one year for all purposes shall exceed one and one-fourth per cent. of the assessed value of the property subject to taxation in the same year.

Taxes not to exceed one and one-fourth per cent.

Taxes levied under act to be collected and received by proper officers of municipality.

7. *And be it enacted*, That all taxes levied in pursuance of this act shall be collected and received by the appropriate officers of the municipality according to the laws in force for the collection of taxes therein, and they shall

Bond to be given.

give bonds to the state of New Jersey in such sum as the governor shall direct and with such sureties as he shall approve for the faithful performance of their duties

Duty of officers, &c.

under this act. It shall be the duty of the officers to whom warrants for the collection of taxes shall be directed and delivered to seize and sell so much of the personal property belonging to any delinquent as may be found on the premises from which any tax is due for either real or personal property, and the tenants or other persons in possession or having the care of any lands or tenements and their goods and chattels shall be and they hereby are made liable for the payment of taxes which shall be imposed on the said lands under this act; and in all cases when any tenant shall owe any rent for real estate occupied or rented by him on which any tax levied in pursuance of this act may be due, said rent shall be paid to the collector of taxes in discharge of said tax, or so much thereof as shall be necessary to satisfy the amount of tax so due; and if any such tenant or other person shall pay, or his goods and chattels shall be levied on and sold to pay any such tax, it shall be lawful for him to deduct the sum so paid out of the rent, or to recover the same from the landlord or owner by action of debt with costs.

Taxes levied under act valid.

8. *And be it enacted*, That taxes levied for the purposes enumerated and defined in this act shall be valid, notwithstanding they may be assessed or levied by said commissioners prior or subsequent to the time fixed by existing laws.

Taxes shall be collected, &c. by same officers and in same manner as under existing laws.

9. *And be it enacted*, That taxes levied in pursuance of this act shall be collected, paid over, disbursed, appropriated, apportioned *pro rata* among the objects herein named and expended by the same officers or bodies, and in the same manner, as if they had been levied by the board of officers whose duty it was under the existing laws to have levied the same, and all taxes levied on real estate shall be a first

Act not to be construed.

lien thereon prior to all other encumbrances. This act shall not be construed to repeal, modify or affect the

power to collect or the mode of collecting taxes, or of selling real estate for unpaid taxes, or of paying over, holding, disbursing, appropriating, apportioning, and expending the same, except so far as is otherwise expressly provided herein.

Commissioners to take oath.

10. *And be it enacted*, That each commissioner appointed under this act shall, before he enters upon the duties of his office, and within ten days after his appointment, take and subscribe an oath of office faithfully to discharge his duty under this act, and file the same in the office of the secretary of state, and he shall, unless sooner removed by the governor, hold office for the term of one year from the date of appointment, except in case of an appointment to fill a vacancy caused by the death, resignation or removal from the city, town or the municipality of any commissioner, and in such cases the appointment shall be for the unexpired term only, and at the expiration of one year from the time when the commissioners shall be first appointed, and annually thereafter, they shall be eligible to re-appointment, or others may be appointed in their place, as provided in the first section of this act. The governor shall have power to fill all vacancies, whether occasioned by death, resignation or removal.

Term of office.

Governor empowered to fill vacancies.

Governor to revoke commissions when satisfied taxes have been levied

11. *And be it enacted*, That whenever the governor, after the appointment of such commissioners, shall be satisfied that any such city, town or municipality, through its local and proper officers, has duly caused to be levied for the year the said taxes herein enumerated and defined he shall revoke the commissions of the said "commissioners of taxation" for the said city, town or municipality, and shall not appoint other commissioners until the happening of one or more of the conditions specified in the first section hereof.

When taxes are levied in pursuance of act local officers shall not for same year levy taxes for same purposes.

12. *And be it enacted*, That when commissioners shall be appointed and shall have levied taxes in pursuance of this act for any given year, the local officers or board of such city, town or municipality shall not for the same year levy taxes for any of the purposes for which taxes have been levied under this act.

Officers acting under the provisions of this act to be officers of the state.

13. *And be it enacted*, That the said commissioners and all officers, bodies or boards who shall be concerned in the collection, holding, disbursing, paying over and ex-

pending or directing the expenditure of the taxes or the proceeds of the taxes levied in pursuance of this act, shall be for all purposes of this act, and as respects said taxes and their proceeds, the officers of the state, and any official bonds given or to be given by them shall inure to the benefit of the state as well as to any person or corporation interested therein.

Compensation of commissioners.

14. *And be it enacted*, That the said commissioners shall be paid for their services such compensation as the governor shall determine, not exceeding six per cent. of the amount of taxes levied under this act in the same year, which compensation shall include disbursement for all clerical assistance, stationery and other necessary expenses; and the officers who shall collect the said taxes shall receive for their services the fees and salaries now allowed to them by law for similar services in the municipality, and in lieu thereof, which compensation, fees or salaries shall be levied and paid out of the taxes collected under this act.

Of officers.

Repealer.

15. *And be it enacted*, That all acts and parts of acts, general, special or local, inconsistent with the provisions of this act, be, and the same are hereby repealed, and this act shall take effect immediately.

Approved March 20, 1884.

CHAPTER LIX.

An act to amend an act entitled "An act concerning certain townships in this state," approved March twenty-third, one thousand eight hundred and eighty-three.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "An act concerning certain townships in this state," approved March twenty-third, one thousand eight hundred and eighty-three, be and the same is hereby amended, so as to read as follows:

[1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of any township in this state existing under and governed by a special charter to change by ordinance the title and designation of such township from township to town, so that such township shall be thereafter known and designated as a town instead of a township; *provided, however*, that a certified copy of such ordinance, under the seal of the township, shall be filed with the secretary of state within thirty days after its adoption; and after such filing as aforesaid, the corporate name and title of such town shall be "The inhabitants of the town of (specifying the name borne by the township of which it is the successor) in the county of ," (naming the county in which such town is situated), and the governing or legislative body of such town shall be known and designated as "the town council," and the other officers as town instead of township officers.]

May change title from township to town.

Proviso.

2. *And be it enacted*, That section two of said act be and the same is hereby amended so as to read as follows:

Section amended.

[2. *And be it enacted*, That the charter of any such township and all acts supplementary thereto, and amendatory thereof, shall apply to and continue to govern the town succeeding the same; *provided, however*, that when any provision of such charter or supplement shall be inconsistent with the provisions of any general statute heretofore passed, or which may be hereafter passed by the legislature of this state affecting or applying to incorporated towns, then such charter and supplements to the extent that the same are or may be inconsistent with any such general statute shall be taken and deemed to be repealed.]

Charter of township to apply to town.

Proviso.

3. *And be it enacted*, That any town which may be formed or created under the provisions of this act and of the act of which this act is amendatory shall take, hold, possess and enjoy and become absolutely vested with all the rights and property of the township of which it is the successor and shall be responsible for and liable to all contracts, debts, obligations and liabilities of such township.

Town vested with all rights and liabilities of township.

CHAPTER LXI.

An Act relating to cities of the second and third class.

Lawful for common council to authorize the placing of wires, &c., for electric lighting underground.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in cities of the second and third class in this state, it shall and may be lawful for the common council of any such city, by ordinance or otherwise, to authorize the placing in the streets and alleys of such city, wires and other appliances for electric lighting in such manner as not to endanger life or property, and to authorize the laying of conduits in such streets and alleys underneath the surface thereof for placing wires for electric lighting therein.

Company to obtain consent of owner of property to erect poles.

2. *And be it enacted*, That any company taking advantage of the provisions of this act shall obtain the consent of the parties upon whose property it intends to erect any pole or poles.

Wires to be laid not less than three feet from gas or water pipes.

3. *And be it enacted*, That any wires for conveying electricity or the conduits containing said wires, shall be laid at the greatest practicable distance from the outside of any water or gas pipe now laid down, and that such distance shall not be less than three feet.

4. *And be it enacted*, That this act shall take effect immediately.

Passed March 25, 1884.

CHAPTER LXIII.

An Act concerning cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the

mayor and council of any city in this state to increase, by resolution or otherwise, an appropriation already made for contingent expenses in such city, where such appropriation has been used, in part, for the payment of an expert accountant or accountants for services in examining the books of the city, and has or may become exhausted; *provided*, such increase for the balance of the fiscal year shall not exceed the sum of two thousand dollars; and the mayor and council of such city is hereby authorized to borrow the amount which under this act may be appropriated for the purposes aforesaid in anticipation of taxes next thereafter to be levied, and they shall provide for the repayment of the amount so borrowed, in the tax levy to be made next thereafter, unless the same be previously paid.

May increase appropriation for payment of expert accountant.

Proviso.

Authorized to borrow amount appropriated, &c.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1884.

CHAPTER LXIV.

An Act to enable cities of this state to furnish better accommodations for their officers and municipal boards as well as the national guard of the state therein organized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of this state in which there is not a building, the property of such city, suitable and sufficient to accommodate the different officers and departments of the municipal government, the mayor and board of aldermen of such city are hereby authorized to sell at public auction, after advertisement for at least ten days in the official papers of such city, such public buildings therein with the ground whereon the same stands, the property of such city, as said mayor and

Authorities of certain city may sell public buildings and erect city hall.

board of aldermen shall determine, and to use the net proceeds of such sale for the purchase of property and erection thereon of a city hall in said city, to be so erected as to furnish accommodation for the municipal boards and officers of said city and such regiment of the national guard of this state as may be organized in said city.

Sum necessary for purposes of act to be provided by the issue of bonds.

2. *And be it enacted*, That for the purposes of this act such sum as may be necessary over and above the amount realized from sale as aforesaid, shall be provided by the board having charge and control of the finances of such city in such city, by the issue of the bonds of said city, bearing interest at the rate of not exceeding six per centum per annum, to be sold at not less than the par value thereof, and said bonds shall be paid by taxation in not exceeding ten (10) years from their date of issue; *provided*, that the whole expenditure for purchase of ground and erection of building, including the amount realized from sale as aforesaid, shall not exceed the sum of one hundred thousand dollars.

Rate of interest.

When due.

Proviso.

Appointment of commissioners to select site, &c.

3. *And be it enacted*, That for the purposes of this act the mayor of any such city shall nominate and appoint, with the advice and consent of the board of aldermen, three commissioners, who shall be residents and freeholders in said city, who shall have power to select by and with the consent and concurrence of the board having control of the finances of such city, a site for said city hall, have plans and specifications prepared, and generally superintend the same during its course of erection, and that the payments for the same shall be paid upon the certificates of said commissioners from time to time, and said commissioners shall receive five hundred dollars each for the performance of this service when said building is erected and completed.

Compensation.

Certain act repealed.

4. *And be it enacted*, That the act entitled "An act to authorize cities of the first class of this state to erect armories and to provide for the payment for the costs of erection," approved March twenty-third, one thousand eight hundred and eighty-three, be and the same is hereby repealed.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1884.

CHAPTER LXV.

A Supplement to an act entitled, "An act to authorize cities in this state to issue and dispose of water bonds or water scrip to renew certain water bonds or water scrip," approved January thirtieth, one thousand eight hundred and eighty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of the act to which this is a supplement be amended to read as follows: Section amended.

[2. *And be it enacted*, That such water bonds or water scrip shall be sold by said city board at public or private sale for the best price that can be obtained therefor, but at not less than ninety-seven per centum of their par value; the said city board shall use the proceeds of such sale to pay off said water bonds or water scrip now due, and to pay any money heretofore borrowed, or that may be hereafter borrowed, to pay off such water bonds or water scrip, or any part of such indebtedness when due; nothing in this act contained shall be so construed as to authorize any increase of the indebtedness of said city.] Bonds or scrip to be sold at not less than ninety-seven per centum of their par value. Proceeds, how applied. Not to be construed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1884.

CHAPTER LXVI.

AN ACT to amend an act entitled "An act to establish a system of public instruction (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section ninety-one of the act entitled "An act to establish a system of public instruction," (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby amended so as to read as follows:

Money, how expended.

[91. *And be it enacted*, That not more than twenty dollars annually of the school moneys received by any school district, except such as may be raised within the district, shall be used for any other purpose than the payment of

Proviso.

teachers' salaries and fuel bills; *provided, however*, that when there has been apportioned to any district more than three hundred and fifty dollars, and such district, by such apportionment, shall receive from the state appropriation state school tax and interest of surplus revenue, a sum exceeding five dollars for each child in such district, according to the last published school census, it shall be lawful for the trustees of such district to use such excess for the improvement of the school house and grounds, the purchase of school furniture or apparatus, or for any other purpose connected with the school or schools under

Proviso.

their charge; *provided*, that the written consent of the county superintendent of the county in which such district is situated shall be first obtained.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1884.

CHAPTER LXVII.

A FURTHER SUPPLEMENT to an act entitled "An act for the incorporation of fire companies," approved April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "A supplement to an act entitled 'An act for the incorporation of fire companies,' approved April twenty-first, one thousand eight hundred and seventy-six," approved March twenty-third, one thousand eight hundred and eighty-three, be amended to read as follows, to wit: Section amended.

[1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any of the volunteer fire companies or associations, incorporated under the act to which this is a supplement in any of the counties in this state, may provide for the appointment of certain of their members to perform police duty at fires, which members thus appointed to do police duty shall wear a badge when on duty at any fire, stating such office; and they shall have the power and authority to keep persons who are not members of any fire or hose company or hook and ladder organization or salvage corps, or who are not the owners, agents for, or tenants of the burning building, or of any adjoining building, or the representatives of any insurance company or companies, far enough away from the place of the fire, as that such persons will not interfere with the duties of the firemen; and, in case of refusal to obey their orders, or to show a good and sufficient cause therefor, such fire police may arrest the persons who disobey and keep them under arrest until the fire is extinguished; and, on complaint before a justice of the peace, such offender, if found guilty, shall be sentenced to pay a fine not exceeding ten dollars and costs.]

Volunteer fire companies may appoint members thereof to perform police duty at fires.

Powers of.

May arrest persons who disobey orders, &c.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1884.

CHAPTER LXVIII.

A Supplement to an act entitled, "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," approved March twenty-seventh, one thousand eight hundred and seventy-four, (Revision).

Inhabitants of township may authorize sale of certain real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the inhabitants of any township in this state, by vote at their annual or a special town meeting called by the township committee of such township for that purpose, to authorize the sale by such township committee at either public or private sale of any real estate whereof the inhabitants of such township may be seized in their corporate capacity in fee simple absolute or of any other estate therein, and in case of sale of any such real estate it shall be lawful for the township committee of such township to convey such real estate to the purchaser thereof by deed signed by such township committee and sealed with the corporate seal of such township, and that at such annual or special town meeting, or at any town meeting the inhabitants of such township may vote to appropriate such moneys arising from the sale of such real estate for any township purpose authorized by law; *provided*, that this act shall not apply to lands acquired by the township under sales for taxes or assessments.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1884.

CHAPTER LXIX.

A Supplement to an act entitled "An act for the relief of persons imprisoned on civil process" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

Court may order extension of time to file declaration.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if the declaration required to be filed by the fourteenth section of the act to which this is a supplement is not or shall not be filed within the time limited by said section, the court in which the insolvent proceedings are pending, may, whenever special circumstances satisfactory to said court justify it order that said time be extended upon such terms and to such time as shall seem proper, and a compliance with said order shall be deemed a compliance with said act as if said declaration were filed within said limited time; *provided*, that application for such order is made before judgment is recovered in any suit brought by reason of a failure to file such declaration within said limited time upon the insolvent's bond.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1884.

CHAPTER LXX.

A Supplement to an act entitled "An act to regulate the practice of dentistry and to protect the people against empiricism in relation thereto in the state of New Jersey," approved March fourteenth, one thousand eight hundred and seventy-three.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this is a supplement shall be amended so as to read as follows:

Unlawful to engage in practicing of dentistry unless person is a graduate of a dental college, &c.

[1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall be unlawful for any person not now lawfully practicing to engage in the practice of dentistry in the state of New Jersey unless said person has graduated and received a diploma from the faculty of a reputable dental college chartered under the authority of some one of the United States, and that any person hereafter engaging in the practice of dentistry in the state shall within one month after commencing such practice

Name to be registered.

register his name in a book, kept for that purpose in the county clerk's office of the county in which he shall have engaged in the practice of dentistry giving his name and the name of the dental college of which he is a graduate, and the name of the place in which he shall have engaged in practice, and for which registry the said county clerk shall be entitled to demand and receive from each person registering the sum of fifty cents, and any person violating any of the provisions of this act shall be liable to the penalties prescribed in the sixth section of the act to which this is a supplement.]

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1884.

CHAPTER LXXI.

A FURTHER SUPPLEMENT to an act entitled "An act to regulate fisheries in the river Delaware and for other purposes," passed November twenty-sixth, eighteen hundred and eight.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of a supplement to said act, passed February twenty-sixth, one thousand eight hundred and fifty-eight, be amended to read as follows:

Penalty for catching fish with net having mesh of certain size between certain times.

[1. *And be it enacted*, That if any person or persons shall cast, draw, or otherwise make use of any seine or net of a less mesh than ten inches or any other appliance, except the hook and line, for the purpose of catching fish in the river Delaware within the jurisdiction of this state between the fifteenth day of June and the tenth day of August below the head of Trenton falls, and between the twentieth day of June and the tenth day of August above the head of Trenton falls, in any year, he, she or they so offending shall forfeit and pay the sum of one hundred dollars, together with costs of suit, for each and every offence.

Section amended.

2. *And be it enacted*, That section one of a supplement to said act, passed March fifteenth, one thousand eight hundred and seventy-one, be amended to read as follows:

Shad caught in the Delaware not to be offered for sale within certain periods.

[1. *And be it enacted*, That hereafter no person shall, within this state, have in his possession, or expose to sale, any shad caught in the river Delaware, or any of its tributaries, within the jurisdiction of this state, between the sixteenth day of June and the tenth day of August below the head of Trenton falls, and the twenty-first day of June and the tenth day of August above the head of Trenton falls, in any year under a penalty of five dollars for each and every shad so had in possession or exposed for sale, to be recovered in an action of debt with costs

Penalty for.

of suit by any person or persons in his or their name or names, before any justice of the peace in the county where the offence was committed, or where the defendant resides or is found, and in all prosecutions or proceedings under this act it shall not be necessary to file any state of demand or to comply with the formalities required in penal actions; and in all such actions both parties may be sworn; *provided always, nevertheless,* that nothing in this act or the act or acts to which this is a supplement contained, shall make it unlawful, by order of any one or more of the commissioners of fisheries of the state of New Jersey, to take fish in the said river Delaware, or any of its said tributaries, at any time, to be used for the purposes of the natural or artificial propagation of the same; nothing in this act shall be construed to impair any actions at law or suits pending prior to the passage of this act.]

Proviso.

3. *And be it enacted,* That this act shall take effect immediately.

Approved March 27, 1884.

CHAPTER LXXII.

A Supplement to an act entitled "An act respecting conveyances," (Revision) approved March twenty-seventh, eighteen hundred and seventy-four.

Acknowledgment or proof of deed made before officer of other state or territory made valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That every acknowledgment or proof of any deed or conveyance of lands, tenements or hereditaments lying and being in this state, heretofore made by any grantor or witness thereto, before or by any officers in some other state in the union or territory thereof, authorized at the time of such proof or acknowledgment, by the laws of the state or territory wherein such proof or acknowledgment was made or taken, to

take the proofs and acknowledgments of deeds or conveyances of lands, tenements or hereditaments lying or being in such state or territory, shall be good, valid and effectual in law, and the record thereof admissible in evidence and good, valid and effectual in law for all purposes, notwithstanding the certificate accompanying such acknowledgment or proof, under the great seal of such state or territory, or under the seal of a court of record of the county in which it was made, does not certify that the officer, before whom such proof or acknowledgment was made, was, at the time of the taking thereof, authorized by the laws of such state or territory, to take the acknowledgments and proofs of deeds or conveyances for lands, tenements or hereditaments in such state or territory; *provided*, such certificate, and such acknowledgment or proof, and the certificate thereof, in all other respects conforms to the laws of this state. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1884.

CHAPTER LXXIII.

A Supplement to the act entitled "An act to provide for the filing of a *lispenden* in actions, either at law or in equity, relating to or affecting the possession or title of lands and real estate," approved February sixteenth, one thousand eight hundred and eighty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any decree or judgment made in any suit, of the pending of which notice shall have been or shall be filed in the office of the clerk of the court of common pleas or of the register of deeds and mortgages in any county, shall have been paid, satisfied or performed, or when pending such suit the

When decree or judgment is paid or suit settled or abandoned statement may be entered, &c.

matters in difference shall be or shall have been settled by the parties or such suit shall have been or shall be abandoned by the plaintiff or complainant therein, a statement of such payment, performance, satisfaction, settlement or abandonment of such suit may be entered by the attorney or solicitor of the party abandoning such suit or receiving payment or satisfaction thereof, or by the said clerk or register upon his receiving and filing a warrant for the purpose executed by said party or his attorney or solicitor in the manner provided by law for the execution of warrants to satisfy judgments, and thereupon the land and real estate affected by said suit and described in said *lispenden* shall be discharged of all claims or equities set up in the declaration or bill of complaint in said suit, and the same fees shall be paid for services rendered under this act as are allowed in the supreme court upon satisfaction of a judgment therein.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1884.

CHAPTER LXXIV.

A Further Supplement to "An act relative to sale of lands under a public statute or by virtue of any legal proceedings," (Revision) approved March twenty-seventh, one thousand eight hundred and seventy-four.

Sale of land not invalidated by omission to publish advertisement of sale.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of land heretofore made shall be invalidated by reason of the omission to publish the advertisement of such sale in two newspapers printed and published in the county in which such lands are situate, but that any purchaser of lands at such sale, who shall have complied with the conditions of such sale shall be entitled to have a deed for the land so purchased, notwithstanding the sale was advertised in but one news-

paper of the county in which the land is situated; *provided*, that where the sale has been made by direction of any court of competent jurisdiction, an order confirming such sale shall first be made by a judge thereof, which order shall be granted when the judge shall be satisfied that the land has been sold for a fair price and that it is proper in such case to make the order; *and provided, further*, that where the sale is not made by direction of a court, that then such sale shall be first confirmed by an order of a justice of the supreme court when such justice shall be satisfied that the land has been sold at a fair price and that it is proper in such case to make the order; and a deed so given shall operate to tranfer the title of the land to the purchaser as fully as if the sale had been advertised in two newspapers of the county where the land is situate; *and provided, further*, that nothing in this act shall be held to affect any litigation now pending. Proviso. Proviso. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1884.

CHAPTER LXXV.

An Act concerning cities of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for the city authorities of any city in this state having a permanent or bonded debt exceeding thirteen million dollars, to expend, in any one year, more than ninety per centum of the amount fixed as the amount to be raised in such city during such year for all city purposes. Amount to be expended in any one year for city purposes in certain city.

2. *And be it enacted*, That all moneys received in excess of the limit of expenditure fixed as aforesaid are hereby appropriated to a sinking fund of such city, and shall not be loaned from such sinking fund to any other department or board of such city, but shall be used solely Moneys in excess of limit of expenditure appropriated to sinking fund.

for the payment of bonds of such city hereafter falling due, or for the purchase of bonds for the purpose of cancellation.

Management and control of sinking fund.

3. *And be it enacted*, That where there are commissioners of the sinking fund of any city, the sinking fund hereby created shall be under their management and control; where such commissioners are not by law provided for, a sinking fund for the purposes of this act shall be provided for by the city board having control of the finances of such city.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1884.

CHAPTER LXXVI.

A FURTHER SUPPLEMENT to the act entitled "An act to provide means for protection against fires in townships," approved March tenth, eighteen hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section six of the act to which this is a supplement be amended to read as follows:

Voters of district to meet annually at certain time and determine amount to be raised for ensuing year, &c.

[6. *And be it enacted*, That the legal voters of a district so organized shall meet annually, on the last Saturday in May, at three o'clock in the afternoon, and determine the amount of money to be raised for the ensuing year, and elect a board of fire commissioners, to consist of five persons resident in such district, who, when elected, shall possess, within such district, all the rights and powers of the township committee under this act, and shall hold office for one year and until their successors are elected.]

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 27, 1884.

CHAPTER LXXVII.

A Supplement to "An act in relation to the powers of commissioners appointed to purchase toll roads in this state," passed April nineteenth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That where commissioners have been heretofore appointed in any county of this state, by acts of the legislature not heretofore repealed, with authority to purchase any turnpike or macadamized road, and such commissioners have not exercised the full powers conferred upon them by the said acts or the act to which this is a supplement, it shall be lawful for any ten freeholders residing in any county or counties wherein such unpurchased road is located, with whom a majority of the directors of said road shall join, to apply in writing to the justice of the supreme court holding court in that circuit, for the appointment of new commissioners, and the said justice shall appoint three commissioners from the counties composing such circuit, not more than two being from the same county; and the said commissioners having taken an oath or affirmation faithfully and fairly to perform their duties, shall thereupon be vested with the same powers as the commissioners appointed by the legislature, who have neglected to exercise their full powers hitherto, and shall proceed to take and appraise the value of the property of any existing toll road in said circuit referred to in the acts appointing the previous commissioners, and report the same to the boards of chosen freeholders of the respective counties in that circuit, shall have the same right of appeal as provided for in the acts aforesaid, which shall be tried in the manner therein provided for; and the costs and expenses shall be paid as is provided in the said acts, and in the act to which this is a supplement.

When commissioners have not exercised the powers conferred by law others may be appointed.

How appointed.

Powers of.

2. *And be it enacted*, That this act shall take effect immediately.

Passed April 1, 1884.

CHAPTER LXXVIII.

An Act to authorize the establishment of free public libraries in the cities of this state.

Any city authorized to establish a free public library.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any city within this state be, and it is hereby authorized, in the manner hereinafter provided, to establish a free public library within its corporate limits.

Provision of act inoperative until assented to by majority of the legal electors thereof.

2. *And be it enacted*, That the provisions of this act shall remain inoperative in any city in this state until assented to by a majority of the legal electors thereof, voting at an election at the time fixed by law for the election of municipal officers therein to be held in said city next after this act shall take effect, of which election the city clerk of said city shall cause public notice of the time and place of holding the same, to be given by advertisements signed by himself and set up in at least five public places in said city, for at least ten days previous to the day of such election, and published in one or more newspapers printed therein for at least ten days previous to the day of such election; the ballots used at such election shall be printed or written or partly printed and written, and the same may be printed or written on the general ballots used at such election, on which may be either the words "for the adoption for this city of the provisions of an act entitled 'An act to authorize the establishment of free public libraries in the cities of this state,'" or "against the adoption for this city of the provisions of an act entitled 'An act to authorize the establishment of free public libraries in the cities of this state;'" the election officers of said city shall return to the canvassing board

of the same a true and correct statement in writing, under their hands of the result of said election, the same to be entered at large upon the minutes of said body.

If provisions of act are adopted certain sum to be annually appropriated and raised by tax for use of library.

3. *And be it enacted*, That if a majority of all the ballots cast at such election in any city shall be "for the adoption for this city of the provisions of an act entitled 'An act to authorize the establishment of free public libraries in the cities of this state,'" it shall become the duty of the appropriate board of said city annually thereafter to appropriate and raise by tax in the same manner as other city taxes are assessed, levied and collected in said city a sum equal to one-third of a mill on every dollar of assessable property returned by the assessors of said city for the purposes of taxation in such city, which sum, when so appropriated, shall be used for no other purpose than that of a free public library, and shall be paid by the disbursing officer of such city to the treasurer of the board of trustees of the free public library as hereinafter provided.

Board of trustees shall be formed.

Consisting of

Term of office.

4. *And be it enacted*, That a board of trustees of the free public library shall be immediately formed in any city when a majority of the votes cast shall be "for the adoption for this city of the provisions of an act entitled 'An act to authorize the establishment of free public libraries in the cities of this state,'" consisting of seven members, one of whom shall be the mayor of such city *ex officio* and one the superintendent of public instruction therein *ex officio* or president of the board of education in case no office of superintendent exists, and five to be appointed by the mayor of the city from among the citizens of the same city, to serve for the terms of one, two three, four and five years respectively; and upon the expiration of the term of office of any trustee the mayor of the said city shall appoint to the vacancy for a term of five years.

Trustees shall be a body corporate.

5. *And be it enacted*, That the board of trustees shall be a body corporate under the name of the trustees of the free public library of the city of naming the city wherein said library shall be established, with corporate powers of succession, to sue and be sued and to adopt a corporate seal; such board shall meet at some convenient time and place in such city within ten days

from the time of their appointment; they shall immediately proceed to organize by the election of one of their members to be the president, and one to be the treasurer of the board; they shall also make and execute under their hands and seals a certificate setting forth their appointment, their organization and the names of the officers elect and appointed, which certificate shall be acknowledged in the same manner that conveyances of real estate are required to be acknowledged, and recorded in the clerk's office of the county in which such city is located; they shall also cause a certified copy of such certificate to be filed in the office of the secretary of state, but shall not be required to pay any fee for such recording and filing; the said certificate or a copy thereof, duly certified by said clerk or secretary, shall be evidence in all courts and places of the incorporation of said board; the treasurer shall give bonds in an amount to be fixed by the board of aldermen of said city, payable to said city by its corporate name, conditioned for the faithful performance and discharge of his duties; the said board shall, by its treasurer, upon its warrant signed by its president, receive of the disbursing officer of such city the money raised by taxation for library purposes as is provided in section three of this act; it shall hold in trust and manage all the property of said library; it shall have power to rent rooms or when proper to construct buildings for the use of said library, to purchase books, pamphlets, documents, papers and other reading matter, to hire librarians and other necessary servants and to fix their salaries, to make proper rules and regulations for the government of said library, and generally to do all things necessary and proper for the establishment and maintenance of the free public library in such city.

Shall execute a certificate.

When recorded.

Copy to be filed in office of secretary of state.

Treasurer to give bonds.

Powers and duties of board.

Trustees to receive no compensation.

6. *And be it enacted*, That the said board of trustees shall receive no compensation for their services and shall never incur any expense or enter into any obligations in excess of the annual appropriation for library purposes and of its funds on hand.

Annual report to be made.

7. *And be it enacted*, That the said board of trustees shall annually make a report of their transactions, accounts and the state and condition of said library to the board of aldermen or common council of said city.

8. *And be it enacted*, That the said board of trustees may have and receive, hold and manage any devise, bequest or donation heretofore made or hereafter to be made and given for the establishment, increase or maintenance of a free public library within their city. May receive donation, &c., for use of library.

Passed April 1, 1884.

CHAPTER LXXIX.

Supplement to an act entitled "A supplement to an act entitled 'A further act concerning taxes, making the same a first lien on real estate and to authorize sales for the payment of the same,' approved March fourteenth, one thousand eight hundred and seventy-nine," and which said supplement was approved March twenty-second, one thousand eight hundred and eighty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement, be amended so as to read as follows: Section amended.

[1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the owner or owners, mortgagee or other person, having a legal or equitable interest in any lands sold for unpaid taxes under and by virtue of the act to which this is a supplement and purchased by the township, shall have the right to redeem the same, at any time while such tax title is held by the township (even though the redemption period of two years, provided by law, shall have expired,) by paying to such township the sum of money mentioned in the certificate of sale to said township, with interest, costs, expenses and charges thereon, and all subsequent taxes assessed thereon, together with interest, costs, fees and charges, Persons having an interest in lands sold for unpaid taxes and purchased by township, may redeem the same upon certain conditions.

and that upon receiving such payment, the township shall surrender said premises to the person so redeeming, his heirs or assigns; *provided, however*, that in case the township shall have leased or rented the said land and real estate or any part thereof, for any term not exceeding three years, the tenant in possession under said township, shall hold for and during his said term aforesaid, except that such tenant shall pay all rents thereafter accruing to the person so redeeming.]

Proviso.

When act shall take effect.

2. *And be it enacted*, That this act shall take effect on the first day of May, eighteen hundred and eighty-four.

Passed April 1, 1884.

CHAPTER LXXX.

AN ACT validating defective conveyances.

Certain defective conveyances not void.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no deed or conveyance of land heretofore made by any sheriff or other officer or auditors in attachment pursuant to any decree, judgment execution or order of any court, shall be null or void because it may lack the affidavit of the officer making the deed of conveyance aforesaid, and the approval of such deed by the chancellor, justice or master as provided for and required by an act of the legislature entitled "An act for the better security of titles to land sold by sheriffs or other officers," approved March twenty-fifth, one thousand eight hundred and sixty-four, nor shall the absence of the affidavit and approval therein so required be esteemed cause sufficient to prevent such deed of conveyance from being recorded in the records of deeds; and in any suit at law or in equity wherein the title to the land conveyed by any such deed shall be called in question, the burden of proof shall be upon the party attacking the title conveyed under such deed to disprove the facts which are required by the aforesaid act to be recited

in the affidavit of the officer making the deed of conveyance.

2. *And be it enacted*, That this act shall take effect immediately.

Passed April 1, 1884.

CHAPTER LXXXI.

A Further Supplement to an act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary, and the orphans' court and surrogates," (Revision) approved March twenty-seventh, one thousand eight hundred and seventy-four.

Where custody of minor children is disposed of by will, the ordinary or orphans' court may make order touching testamentary guardianship.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where, by any last will and testament, the testator shall dispose of the custody and tuition of his minor child or children, and such last will and testament shall be offered for probate, it shall be lawful for the ordinary or orphans' court, upon petition alleging cause, and after notice to the testamentary guardian named in the proffered last will and testament, to enquire into the present custody of such infants, and after hearing make such order touching testamentary guardianship, as may be for the best interests and welfare of the infants.

2. *And be it enacted*, That this act shall take effect immediately.

Passed April 1, 1884.

CHAPTER LXXXII.

An Act to repeal section one of "An act fixing the amount to be expended by boards of education in certain cities of this state for permanent improvements in any one year," approved March fourteen, eighteen hundred and seventy-nine.

Section to be repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "An act fixing the amount to be expended by boards of education in certain cities of this state for permanent improvements in any one year," approved March fourteenth, one thousand eight hundred and seventy-nine, which section was amended by an act approved March ninth, one thousand eight hundred and eighty-two, and which reads as follows:

Section repealed recited.

[That in all cities of this state where the boards of education of such cities are now limited by law to the sum of twenty thousand dollars, as the amount which may be expended in any one year for the purchase of land for public schools, or for erecting, altering, furnishing or fitting up any building for school purposes in said cities, it shall hereafter be lawful for said boards of education to expend for the purpose aforesaid, the sum of fifteen thousand dollars in any one year, and no more,] be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Passed April 1, 1884.

CHAPTER LXXXIII.

An Act to ratify and confirm an agreement made between the commissioners appointed on the part of the state of New York and the commissioners appointed on the part of the state of New Jersey, respecting the location of the northern boundary line between the states of New York and New Jersey, and the replacing and erecting of monuments thereon, bearing date the seventh day of June, in the year of our Lord one thousand eight hundred and eighty-three.

Preamble. WHEREAS, Henry R. Pierson, Elias W. Leavenworth and Chauncey M. Depew, commissioners duly appointed on the part of the state of New York, and Abraham Browning, Thomas N. McCarter and George H. Cook, commissioners duly appointed on the part of the state of New Jersey, for the purpose of negotiating and agreeing upon the true location of the northern boundary line between the states of New York and New Jersey, and also of replacing any monuments that may have become dilapidated or been removed on said boundary line, and of erecting new ones, have executed a certain agreement in duplicate, which is contained in the words following:

Agreement. [An agreement, made the seventh day of June, in the year one thousand eight hundred and eighty-three, between Henry R. Pierson, Elias W. Leavenworth and Chauncey M. Depew, commissioners on the part of the state of New York, and Abraham Browning, Thomas N. McCarter and George H. Cook, commissioners on the part of the state of New Jersey.

Preamble. WHEREAS, By the first section of chapter CCCXL of the laws of the state of New York, for the year one thousand eight hundred and eighty, it was recited, among other things, that whereas by an act of the legislature,

passed the twenty-sixth day of May, eighteen hundred and seventy-five, the regents of the university of the state of New York were authorized and directed, in connection with the authorities of Pennsylvania and New Jersey, respectively, to replace any monuments which have become dilapidated or been removed on the boundary lines of those states, and it was thereby declared that the lines originally laid down and marked with monuments by the several joint commissioners duly appointed for that purpose, and which have since been acknowledged and legally recognized, by the several states interested, as the limits of their territory and jurisdiction, are the boundary lines of said states, irrespective of want of conformity to the verbal descriptions thereof; and, by the second section of the same chapter of the laws of the state of New York, the said regents were authorized and empowered to designate and appoint three of their number as commissioners to meet such commissioners as may have been or may be appointed on the part of the states of Pennsylvania and New Jersey, or either of them, and with such last-named commissioners, as soon as may be, to proceed to ascertain and agree upon the location of said lines as originally established and marked with monuments; and in case any monuments are found dilapidated or removed from their original location, said commissioners are authorized to replace them in a durable manner in their original positions, and to erect such additional monuments at such places on said lines as they may deem necessary for the proper designation of the boundary lines of said states:

Preamble. AND WHEREAS, ALSO, The above-named Henry R. Pierson, Elias W. Leavenworth and Chauncey M. Depew have been duly designated and appointed by the said regents of the university of the state of New York, commissioners on the part of said state for the purposes mentioned in the said act:

Preamble. AND WHEREAS, ALSO, By an act of the legislature of the state of New Jersey, entitled "An act appointing commissioners to locate the northern boundary line between the states of New York and New Jersey, and to replace and erect monuments thereon," approved April thir-

teenth, 1876, the governor of the state of New Jersey was authorized to appoint three commissioners, with power, on the part of said state of New Jersey, to meet any authorities on the part of the state of New York who may be duly authorized, and with them to negotiate and agree upon the true location of the said boundary line between the states of New York and New Jersey, and also to replace any monuments which may have become dilapidated or been removed on said boundary lines, and to erect new ones, which agreement it was thereby enacted should be in writing, and signed and sealed by the authorities of the state of New York and the commissioners of the state of New Jersey:

Preamble. AND WHEREAS, The above-named Abraham Browning, Thomas N. McCarter and George H. Cook have been duly appointed commissioners on the part of the state of New Jersey under said act:

Preamble. AND WHEREAS, By a supplement to the last said act, approved on the twenty-fifth day of March, 1881, the commissioners under the last said act were, in addition to the authority conferred by the last said act, also authorized, in their discretion, to proceed to ascertain and agree upon the location of the northern boundary line between the states of New York and New Jersey, as originally established and marked with monuments; and in case any monuments are found dilapidated or removed from their original location, said commissioners were authorized to renew and replace them in a durable manner in their original positions, and to erect such additional monuments at such places on said line as they may deem necessary for the proper designation of the boundary line of said states:

Preamble. AND WHEREAS, The said commissioners acting for and on behalf of their respective states, have entered upon the performance of the duties imposed upon them by the said acts, and have, in pursuance of the authority to them severally given as aforesaid, agreed, and hereby do agree, as follows:

Boundary line agreed upon. *First.* The line extending from the Hudson river on the east to the Delaware on the west, as the same was laid down and marked with monuments in 1774, by William Wickham and Samuel Gale, commissioners on the part of

the then colony of New York, duly appointed for that purpose in pursuance of an act of the assembly of the colony of New York, passed on the sixteenth day of February, 1771, entitled "An act for establishing the boundary or partition line between the colonies of New York and Nova Cæsarea, or New Jersey, and for confirming titles and possession," and John Stevens and Walter Rutherford, commissioners on the part of the then colony of New Jersey, duly appointed in pursuance of an act of the assembly of the colony of New Jersey, passed on the twenty-third day of September, 1772, entitled "An act for establishing the boundary or partition line between the colonies of New York and Nova Cæsarea, or New Jersey, and for confirming titles and possession," which said line has since been acknowledged and recognized by the two states as the limit of their respective territory and jurisdiction, shall, notwithstanding its want of conformity to the verbal description thereof, as recited by said commissioners, continue to be the boundary or partition line between the said two states; *provided*, that wherever upon said line the location of one or more of the monuments erected by said commissioners in 1774, has been lost, and cannot otherwise be definitely fixed and determined, then and in that case, and in every case where it is required to establish intervening points on said line, a straight line drawn between the nearest adjacent monuments, whose localities are ascertained, shall be understood to be, and shall be, the true boundary line.

Proviso.

Monumental marks of boundary line.

Second. The monumental marks by which said boundary line shall hereafter be known and recognized are hereby declared to be: *first*, the original monuments of stone erected in 1774, along said line by the commissioners aforesaid, as the same have been restored and re-established in their original positions by Edward A. Bowser, surveyor on the part of New Jersey, and Henry W. Clarke, surveyor on the part of New York, duly appointed by the parties hereto; *second*, the new monuments of granite erected by the aforesaid surveyors at intervals of one mile, more or less, along said line, and numbered consecutively, beginning from the Hudson river, and severally marked on the northerly side with the letters N. Y., and on the southerly side with the letters N. J.; and *third* the monuments of granite erected by the aforesaid

surveyors at intervening points on said line at its intersection with public roads, railroads and rivers, and severally marked by them on the northerly side with the letters N. Y., and on the southerly side with the letters N. J.; and *fourth*, the terminal monuments erected at the western terminus of said line at the confluence of the Delaware and Navesink rivers, and the terminal monument erected on the brow of the rock called the Palisades, near the eastern terminus, and the rock lying and being at the foot of the Palisades on the bank of the Hudson river, and marked as the original terminal monument of said line established in 1774, as the same are described in a joint report made to the parties hereto by Elias W. Leavenworth, commissioner on the part of New York, and George H. Cook, commissioner on the part of New Jersey.

Field books, report of surveyors, &c., on file in offices of secretaries of states of the two states to constitute the permanent and authentic record of boundary line.

Third, The field-books of said surveyors, containing the descriptions of the locations, of the several monuments erected by them, and of the witness marks thereto, the report of said surveyors containing the account of their work in ascertaining and marking said line, together with the topographical map of said line and the vicinity thereof, and the several documents and books of record containing the transactions of the parties aforesaid, having been duly authenticated and attested by the signatures of the said commissioners, and placed on file in the offices of the secretaries of state of the two states, shall constitute the permanent and authentic records of said boundary line, and are hereby adopted by the parties hereto, and made part of this agreement.

Agreement binding when confirmed by congress and the legislature of both states.

Fourth. This agreement shall become binding on the two states when confirmed by the legislatures thereof, respectively, and when confirmed by the congress of the United States.

IN WITNESS WHEREOF, the said commissioners have hereto set their hands and seals, in duplicate, this seventh day of June, in the year of our Lord one thousand eight hundred and eighty-three.

HENRY R. PIERSON, [L. S.]
E. W. LEAVENWORTH, [L. S.]
CHAUNCEY M. DEPEW, [L. S.]
A. BROWNING, [L. S.]
THOMAS N. McCARTER, [L. S.]
GEO. H. COOK, [L. S.]

Executed in the presence of—
Witness as to H. R. Pierson,
A. C. JUDSON, Albany.
As to commissioners of New Jersey,
B. WILLIAMSON.
Witness to the signature of E. W. Leavenworth,
A. F. LEWIS.
As to Chauncey M. Depew,
W. I. Vanarsdale.

Therefore,

Agreement ratified by the state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the aforesaid agreement, and every article, clause, matter, and thing therein contained, shall be and the same are hereby ratified and confirmed on the part of the state of New Jersey.

Approved April 2, 1884.

CHAPTER LXXXIV.

A Supplement to an act entitled, "An act for the punishment of crimes," (Revision) approved March twenty-seventh, one thousand eight hundred and seventy-four.

Indictment for libel against newspapers may be found in county where published or where complainant resides.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That no indictment for libel shall be found against any corporation, individual or copartnership publishing any newspaper, magazine or periodical within this state, or any editor, reporter, writer or other employee thereon, or correspondent thereof, for any matter, item or thing published in any such newspaper unless such indictment be found by the grand jury of the county within which the office of publication of such newspaper is located or within which the party alleged to have been libeled resides, at the time of the alleged libelous publication.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 2, 1884.

CHAPTER LXXXV.

A further supplement to an act entitled "An act concerning juries," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Circuit courts may order trials by foreign juries.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the circuit courts of the respective counties of this state may in their discretion order trials by foreign juries in all cases which have been or which shall hereafter be commenced in any of such courts.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 2, 1884.

CHAPTER LXXXVI.

An Act concerning railroads.

Preamble.

WHEREAS, great improvements in the manner and means of transmitting signals from the cars of a train to the locomotive drawing the same have lately been perfected, whereby the use of a bell-cord for that purpose is superseded by air and electrical apparatus attached to each car, and so arranged as to be easily and conveniently within the reach and control of employes and passengers upon the train, and by experiment found to be certain and instantaneous in operation, thereby avoiding the dangers and difficulties that necessarily attend the use of the bell-cord, which, in accidents especially, is liable to become detached from the bell or to be broken or burned;

Preamble.

AND WHEREAS, public policy demands that railroad corporations should be encouraged to adopt all reasonable and approved precautions to insure the safety of passengers; now, therefore;

Railroad corporation adopting air or electrical apparatus for transmitting signals upon its train not liable to fine for not using bell-cord.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any railroad corporation owning or operating a railroad within this state, shall adopt and habitually use upon its passenger trains, or mixed passenger and freight trains, any apparatus, device or machine, using either air or electricity, or both, in the operation thereof, whereby signals may be surely, quickly and conveniently given to the engine-men upon the locomotive drawing the train, by employes or passengers in any car of the train, and which apparatus, device or machine shall have been approved by the general manager or superintendent of such railroad, then and in such case, such railroad corporation shall not be liable or subject to the fine or penalty or any part thereof, for not using a bell-cord upon its trains, which may now be recovered by law from railroad corporations failing to comply with the requirements of the first section of the act entitled "A supplement to an act respecting railroads and canals, approved March twenty-seventh, one thousand eight hundred and seventy-four," approved March twenty-three, one thousand eight hundred and eighty-three.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect immediately.

Approved April 2, 1884.

CHAPTER LXXXVII.

A supplement to an act regulating proceedings in criminal cases, (Revision) approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seventy-six of the act to which this is a supplement, be and the same is hereby amended so as to read as follows—viz.:

Death in one county by stroke or poison in another, indictment may be found in the latter.

[76. *And be it enacted*, That where any person hereafter shall be feloniously stricken or poisoned in one county, and shall die of the same stroke or poisoning in another county, then an indictment thereof, found by jurors of the county where such person shall be feloniously stricken or poisoned, whether it shall be found before the coroner upon the view of such dead body, or before the justices of the peace, or other justices or commissioners, who shall have authority to inquire of such offences, shall be as good and effectual in the law as if the stroke or poisoning had been given, committed or done, and the death had happened all in one and the same county and where such indictment shall be found; and, further, that the justices of oyer and terminer and of general jail delivery in the same county where such indictment shall be taken, and that justices of the supreme court where such indictment shall be taken or removed before them, shall and may proceed upon the same in all points as they might or could do in case such felonious stroke and death thereby ensuing, or poisoning and death thereby ensuing, had been committed and had happened all in one and the same county.]

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 2, 1884.

CHAPTER LXXXVIII.

An Act to repeal an act entitled "An act in relation to ferries," approved February seventh, one thousand eight hundred and eighty-three.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act in relation to ferries," approved February seventh, one thousand eight hundred and eighty-three, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 2, 1884.

CHAPTER LXXXIX.

An Act to authorize the appointment of fire wardens.

Fire wardens may be appointed in townships where fire department exists.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any township in this state in which a fire department exists, and which department is under the control of such township, it shall be lawful for the township committee to appoint such number of reputable citizens, as the said committee may deem necessary to be fire wardens in said township, and to make all needed rules for the organization of said wardens, and at pleasure to remove said wardens and to appoint others.

Duty of wardens.

2. *And be it enacted*, That it shall be the duty of said wardens to preserve order and protect property from pillage and wanton destruction during the time of a fire,

and to prevent unauthorized persons from trespassing upon burning premises and from interfering in any way with the firemen and fire service; and any such fire warden shall have power to arrest and detain in custody during the time of a fire, any person found committing depredations or interfering, by action, with the firemen when on duty, or with the fire service or apparatus.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 2, 1884.

CHAPTER XC.

A supplement to an act entitled "An act to prevent the adulteration and regulate the sale of milk," approved March fourteenth, one thousand eight hundred and eighty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any time previous to the hearing of a complaint against any person under the provisions of the aforesaid act, either party may appear before the justice or recorder and demand a trial by jury; whereupon the said justice or recorder shall issue a venire facias to summon a jury of twelve men qualified by law to act as jurors, to try said complaint. Previous to hearing of complaint either party may demand trial by jury.

2. *And be it enacted*, That in case the said jury find such person or persons guilty, then the said justice or recorder shall proceed as though he had determined such complaint without a jury; and in case such jury shall find such person or persons not guilty, the said justice or recorder shall enter judgment in his, her or their favor accordingly, with costs. Proceedings upon finding of jury.

3. *And be it enacted*, That either party upon paying all costs incurred and by filing with said justice or recorder within ten days after trial before him a written notice May appeal to court of quarter sessions.

of his or her intentions, to appeal from the decision of said justice or recorder or jury, may appeal to the next court of general quarter sessions of the peace of the county in which such complaint was made and determined.

On appeal may demand jury trials.

4. *And be it enacted*, That either party on appeal may demand a trial by jury, and said court of general quarter sessions shall proceed and try the same and make such adjudications as are herein provided in case of such trial before said justice or recorder.

Repealer.

5. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act shall be and the same are hereby repealed.

6. *And be it enacted*, That this act shall take effect immediately.

Approved April 2, 1884.

CHAPTER XCI.

A Supplement to an act entitled, "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors," (Revision) approved March twenty-seventh, one thousand eight hundred and seventy-four.

Creditor may present claim to assignee any time before final dividend.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever, in the case of an assignment heretofore made or hereafter to be made, under the provisions of the act to which this is a supplement, any creditor or creditors shall have omitted to file his, her or their claim or claims within the time limited by law, and a final dividend shall not yet have been declared, it shall be lawful for such creditor or creditors at any time prior to such final dividend being declared to present his, her or their claim or claims to the assignee under such assignment, and in case of any such claims so being

presented as aforesaid, it shall be entitled to share in any dividend which may be declared after it is presented.

Claim not entitled to share in dividend declared before presentment.

2. *And be it enacted*, That such filing shall not entitle such claim to any share in any dividend which may have been declared before it is presented to the assignee, although such dividend may not have been at that time paid.

When presented, subject to exceptions, &c.

3. *And be it enacted*, That such claim, when presented, shall be subject to all exceptions and objections by the assignee that a claim filed in time would be subject to at his hands, and shall be proceeded with and adjudicated upon in the same way as is provided for claims filed in time by the act to which this is a supplement.

Claims to share only in dividends subsequently declared.

4. *And be it enacted*, That such claims, so filed out of time, shall not be entitled to receive any adjustment by virtue of dividends declared prior to their presentation, nor to receive any share of such prior dividends, but shall only share in dividends subsequently declared.

Claims of corporations included.

5. *And be it enacted*, That this act shall include and cover claims of corporations as well as persons.

Creditors presenting claims under this act barred from any action or suit.

6. *And be it enacted*, That all creditors who shall present their claims under this act, shall be wholly barred from having afterwards any action or suit at law or in equity against such debtor or debtors or their heirs or legal representatives upon or by virtue of the demands included within the claims so presented as aforesaid, as completely as if said claims had been exhibited under the act to which this is a supplement.

7. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1884.

CHAPTER XCII.

An Act to authorize police service in townships.

Legal voters of township may appropriate money for police services.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the persons qualified to vote at town meetings in any township in this state, to vote, grant and raise by taxation such sum or sums of money for police service in such township as a majority of the legal voters at any annual meeting may determine.

When appropriation made, township committee may employ constables for police service, &c.

2. *And be it enacted*, That whenever in any such township the legal voters shall have made an appropriation of money for police service in manner aforesaid, it shall be lawful for the township committee to employ any constable or constables of such township for police service and duty, and by ordinance to provide for, organize and regulate such police service, including rate of compensation and term of employment.

May appoint members of police force.

3. *And be it enacted*, That it shall be lawful in any such township for the township committee to appoint a sufficient number of suitable and competent persons to be members of the police force of said township; *provided, however*, that no person other than a duly elected constable of such township shall be appointed to membership in the township police force without the unanimous vote of all the members of the township committee.

Proviso.

4. *And be it enacted*, That this act shall take effect immediately.

Approved April 4, 1884.

CHAPTER XCIII.

An Act to facilitate the giving of security on official and other bonds.

Bonds may be approved when conditions thereof are guaranteed by safe deposit or trust company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any person who now or hereafter may be required by law or otherwise, to make, execute and give a bond or undertaking, with security, conditioned for the faithful performance of any duty, or for the doing or not doing of anything in said bond or undertaking specified, any head of department, surrogate, judge, sheriff, prosecutor of the pleas, or any other officer who is now or shall hereafter be required to approve the sufficiency of any such bond or undertaking, may, in the discretion of such officer, accept such bond or undertaking and approve the same, whenever the conditions of such bond or undertaking are guaranteed by any safe deposit or trust company duly organized or authorized, or to be organized or authorized, to do business under the laws of this state, and all such corporations are hereby vested with full power and authority to guarantee such bonds and undertakings; but this act shall not prevent a justification on the part of such company, through its officers, as required by law of other securities.

Authorized to guarantee bonds.

Guarantee not to be accepted when liabilities of company exceed its assets.

2. *And be it enacted*, That the guaranty of any such company shall not be accepted by heads of departments or other public officers, as provided in section one of this act, whenever its liabilities shall exceed its assets, as ascertained in the manner provided in section three of this act.

When liabilities exceed assets, deficiency to be published if not paid within sixty days.

3. *And be it enacted*, That whenever the liabilities of any such company shall exceed its assets, the secretary of state shall require the deficiency to be paid up within sixty days, and if it is not so paid up then he shall issue a certificate, showing the extent of such deficiency, and he shall publish the same once a week for three

weeks, in one or more of the newspapers authorized by law to publish the laws of this state, not to exceed three in number, and thenceforth and until such deficiency is paid up such company shall not do business under the provisions of this act; and in estimating the condition of any such company under the provisions of this act, the secretary of state shall allow as assets, only such as are authorized under existing laws at the time, and shall charge, as liabilities, the full penalty of all bonds, the condition of which are in anywise ascertained to be broken and impaired, together with all outstanding indebtedness of the company, and a premium reserved equal to fifty per centum of the premiums charged by said company on all risks then in force; nothing herein contained shall apply to bonds given in criminal cases.

What assets and liabilities.

Not to do business until statement is filed.

4. *And be it enacted*, That no company shall be permitted to do business under this act unless it shall file on the first day of February in each year a statement of its capital stock, the amount of its cash assets and how invested, together with a detailed statement of each bond guaranteed by it, and its other liabilities; which said statement shall be sworn to by the president, secretary or treasurer of any such company, and shall be filed with, and examined by, the secretary of state, and remain in his office of record.

Examination of company.

Any person interested in such company may apply to a justice of the supreme court by petition, alleging cause, for an examination thereof, and such justice shall if he deem it a proper case, after hearing, order an examination of its affairs by any supreme court commissioner. And any person swearing falsely to any statement herein required to be made and filed, or in any examination had before any commissioner under this act shall be deemed guilty of perjury and punishable accordingly.

Penalty for swearing falsely to statement.

Approved April 4, 1884.

CHAPTER XCIV.

AN ACT regulating billiard and pool rooms in this state.

Unlawful for minor under eighteen years to play billiards or pool in certain places.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall not be lawful for any minor, under the age of eighteen years, to play any game in this state commonly called billiards or pool, in any saloon or room kept by any person or persons for the purpose of profit or gain.

Penalty.

2. *And be it enacted*, That any person or persons keeping such saloon or room, knowingly allowing any such minor to play such games, shall be liable to a penalty of twenty dollars for each and every offence, such penalty to be sued for by, and in the name of the parent or guardian of such minor, in any court of competent jurisdiction in this state, such penalty to go to the overseer of the poor for the use of the poor in said city, borough or township wherein the violation of this act occurs.

Approved April 4, 1884.

CHAPTER XCV.

An Act to establish an excise department in cities of this state.

Common council may provide by ordinance for the establishment of board of excise.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state, it shall and may be lawful for the common council or other governing board of said city to pass, enforce, alter and repeal ordinances to take effect within said city for the following purposes, to wit: To provide for the

To consist of

establishment of a board of excise commissioners, to consist of five members, to serve for the term of three years, no more than three of whom shall belong to the same political party, which board shall be elected on a general ticket at the charter election in such city next after the passage of such ordinance in the same manner as other officers in said city are elected; *provided, however*, that no voter shall vote at such election for more than three of said commissioners, and the five persons receiving the highest number of votes for such office shall be declared duly elected; that the salary of said commissioners shall be fixed by ordinance, but shall not exceed the sum of three hundred dollars each per year, and the said salary shall be paid out of the license fees; that such commissioners of excise shall have the sole power to license and regulate or prohibit inns and taverns, restaurants and beer saloons, and when licensed to revoke or transfer such license and to prohibit all traffic in or sale of intoxicating drink or drinks, to license, regulate and prohibit billiard saloons and bowling alleys on such terms and under such regulations or penalties as the said commissioners of excise shall, by their by-laws, impose, and no other license for such purposes within said city, granted by any other authority, shall be lawful; that all fees for licenses granted by said commissioners shall be paid to the city clerk, who shall, in addition to his other duties, act as the clerk of said commissioners, and by him be paid over to the city treasurer.

Proviso.

Salary of commissioners.

Powers.

Ordinance not to be passed unless two-thirds of members of council shall vote therefor.

2. *And be it enacted*, That no such ordinance shall be passed in any city unless two-thirds of the members of the common council or other governing body of such city shall vote therefor.

When ordinance to go into effect.

3. *And be it enacted*, That such ordinance or ordinances for the creation of such board of excise shall go into effect only upon its approval by the mayor of the said city, and it shall thereupon be the duty of the city clerk or other official charged with such duty to give at least three days notice of the proposed election for such excise commissioners.

Clerk to give notice of election.

Commissioners to give bond.

4. *And be it enacted*, That said excise commissioners shall give such bond for the faithful performance of their duties as the common council or other governing board of said city shall fix by ordinance.

5. *And be it enacted*, That all acts, and parts of acts, general and special, inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately. Repealer.

Passed April 8, 1884.

CHAPTER XCVI.

An Act to prohibit fishing by steam and other vessels with shirred or purse seines in any of the waters within the jurisdiction of the state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person with steam vessels, to take with purse or shirred nets, any menhaden, porgies, herring, or other fish, in any waters within the jurisdiction of this state, including the waters of the Atlantic ocean within three nautical miles of the coast line of said state, either on his own account and benefit, or on account and benefit of his employer; and every person who shall offend herein shall forfeit and pay two hundred dollars, to be recovered and applied in the manner hereinafter directed by section four of this act, and the said steam or other vessel used and employed in the commission of such offence, with all the fish, tackle, furniture and apparel, shall be forfeited, and the same seized, secured and disposed of in the manner hereinafter prescribed. Fishing prohibited within certain waters. Penalty. Vessel to be seized.

2. *And be it enacted*, That no steam vessel found in any of the waters within the jurisdiction of this state, including the waters of the Atlantic ocean within three nautical miles of the coast line thereof, shall have on board of the same any purse or shirred nets, or seine or seines, with the necessary instruments and appliances for catching any of the fish mentioned in the first section of this act; and the master or owner or owners of every such steamer or other vessel that shall have on board the Vessel found in certain waters not to have nets, &c., on board. Penalty.

same any such nets, instruments or appliances named in this section shall forfeit the sum of one hundred dollars, to be recovered in the manner and for the use mentioned in section four of this act; and said vessel, with all of the rigging, furniture and appliances attached to the same, shall be liable to be seized, condemned and disposed of in the manner directed in the said last named section.

Action may be commenced by warrant.

3. *And be it enacted*, That any action under the first and second sections of this act may be commenced by warrant in the court for the trial of small causes and be proceeded in as in other cases when the same are commenced by warrant; any law, usage or custom to the contrary notwithstanding.

Vessel to be seized.

4. *And be it enacted*, That it shall be the duty of all sheriffs and constables and may be lawful for any other person or persons, to seize and secure any such steam vessel as aforesaid, and immediately thereupon give information thereof to two justices of the peace of the county where such vessel shall be held and secured, who are hereby empowered and required to meet at such time and place as they shall appoint for the trial thereof, and hear and determine the same, having first given notice of the time and place so appointed by notice in writing, over their hands, set up in at least three public places within the township where the said vessel is held, at least five days prior thereto, and also served at least five days previously upon the owner or master of said vessel, if he can be found within the county; and in case the same shall be condemned, it shall be sold by the order and under the direction of the said justices who, after deducting all legal costs and charges, and paying the penalty provided for by the first section of this act, shall pay over the remainder of the proceeds of such sale to the owner or claimant of such steam vessel so seized as aforesaid; one-half of said penalty shall go to the person or persons making the seizure, and the remainder shall be paid to the treasurer of this state for the use of this state.

Trial.

To be sold if condemned, &c.

Penalty for refusing to allow vessels to be entered, or resisting seizure.

5. *And be it enacted*, That if any person or persons on such vessel aforesaid shall refuse and not suffer to enter the same, or resist, before or after entering, any of the

said officers, or other person or persons seizing the same, or otherwise resist them, or any of them, in the lawful seizing of the same, then every person so offending shall forfeit and pay the sum of fifty dollars to be recovered and applied in the manner hereinbefore directed.

How sale to be conducted.

6. *And be it enacted*, That the sale and disposition of the property seized and condemned, as provided for in this act, shall be conducted in the same manner and upon the same notice as prescribed for the sale of personal property seized under execution issued under the act of the legislature of this state entitled "An act constituting courts for the trial of small causes;" and all fish and property of a perishable nature, found in and upon said vessel, shall be sold under the order of said two justices, by giving one day's notice of the time and place of such sale, by setting up advertisements thereof in three public places in the township where such property shall be held, and the proceeds thereof applied in the same manner as hereinbefore provided.

Proceedings to retain possession of vessel and property.

7. *And be it enacted*, That if any owner or claimant of said vessel or vessels and property seized as hereinbefore provided for, shall desire to retain possession of the said property so seized, the owner or claimant of such property shall notify the officer or officers before whom the case is being prosecuted, in writing, and request that the property so seized shall be appraised; and the said officers shall be and they are hereby required to prepare a true statement of all property coming into [his] hands under the provisions of this act; and upon such request of said owner or claimant, three disinterested men shall be appointed, one by the officers, one by the claimant and one by the joint action of the two appraisers, who shall appraise said vessel and property, the same to be surrendered to said claimant on his giving bonds for the amount of such appraisement, with good and sufficient security for the same and the payment of all fines, costs and expenses connected with such seizure and prosecution, otherwise the said vessel or vessels and apparatus to be held as security until all of said expenses incurred are fully paid; and in case of failure on the part of said claimant to comply with the provisions of this section, said property shall be sold as provided for in section four of this act.

Fees and costs to be charged.

8. *And be it enacted*, That the fees and costs and charges under this act shall be as follows: to the two justices, for all services thereunder, five dollars each; to the person making the seizure or watchman placed in charge of said vessel two dollars for each day and two dollars for each night that services shall be actually rendered; to the person putting up the advertisements or notices or serving the same, fifty cents for each notice posted or served; for all other services, the same fees that are paid in justices' courts for similar services.

9. *And be it enacted*, That this act shall take effect immediately.

Passed April 8, 1884.

CHAPTER XCVII.

Supplement to an act entitled "An act for the settlement and relief of the poor," (Revision) approved March twenty-seventh, eighteen hundred and seventy-four.

Fees and compensation of overseer and justice of the peace.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the overseer and the justice of the peace in and for any township of this state, for the services required to be performed by them or either of them, under and by virtue of any of the provisions of said act to which this is a supplement, and for which a compensation is not already fixed and given by law, shall be entitled to have and receive out of the money raised for the support and maintenance of the poor, such fees and compensation for such services rendered, as in the judgment of the township committee of such township shall seem reasonable and just; *provided*, said justice and overseer shall first file with the clerk of such township an itemized bill by him certified of the services rendered by said justice or overseer; *and provided further*, that no such bill shall be ordered to be paid by the said township committee, except at a regular meeting of said committee, and

Proviso.

Proviso.

then only when such itemized bill shall be duly certified as aforesaid by said justice or overseer, and be approved by said township committee.

2. *And be it enacted*, That all towns corporate and cities governed by special laws and charters shall be excepted from the provisions of this act. Cities and towns excepted.

Passed April 8, 1884.

CHAPTER XCVIII.

AN ACT to incorporate and establish free public libraries in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for three or more persons to organize a corporation for the purpose of establishing a free public library by making and filing a certificate in writing of their organization in the manner hereinafter mentioned. Three or more persons may organize corporation for establishing free public library by filing certificate.

2. *And be it enacted*, That such certificate in writing shall set forth; What certificate shall set forth.

a. A name to designate such corporation and a statement of its object;

b. The place in this state where such library shall be located;

c. The time when such library shall be opened to the public, if not already open.

Said certificate shall be signed by the persons intending to form such corporation, shall be proved or acknowledged as required in the case of deeds of real estate, and shall be recorded in the book kept for the purpose of recording certificates of incorporation in the office of the clerk of the county where such library shall be located, and after being recorded shall be filed in the office of the secretary of state. How executed. Recorded. Filed.

3. *And be it enacted*, That the said certificate, or a copy thereof, duly certified by said clerk or secretary, shall be evidence of its contents in all courts and places. Certified copy evidence.

When certificate recorded and filed, corporation constituted.

4. *And be it enacted*, That upon making said certificate and causing the same to be recorded and filed as aforesaid, the persons who signed the same, their successors and assigns, shall constitute a corporation by the name mentioned in the said certificate.

Powers of corporation.

5. *And be it further enacted*, That every corporation formed under this act shall have power:

Property.

a. To buy, hold, lease, accept by gift, devise or otherwise, and sell real and personal property suitable for the purposes of such corporation and for its use;

b. To sue and be sued, complain and defend in any court of law or equity;

Seal.

c. To make and use a common seal and alter the same at pleasure;

Membership.

d. To limit the duration of the membership of the original incorporators and provide a method of filling vacancies in such membership caused by death, resignation or expiration of terms of office;

Officers and agents.

e. To elect officers and appoint agents such as the business of the corporation shall require;

Constitution and by-laws.

f. To make, adopt, alter and amend a constitution and by-laws to carry out the purpose of the corporation; *provided*,

Proviso.

that nothing in said constitution and by-laws be repugnant to the constitution or laws of the United States or of this state.

Library to be free to inhabitants of city, &c., where located.

6. *And be it enacted*, That every library established under this act shall be forever free to the use of the inhabitants of the city or other municipality where the same shall be located, subject only to such reasonable rules and regulations as may be adopted concerning the same, and all property, real and personal, while owned by and actually used in the legitimate operations of such corporations, shall not be taxed.

Legislature may dissolve corporation.

7. *And be it further enacted*, That the legislature may, at any time, alter, modify or repeal this act and dissolve any corporation organized under the provisions of this act.

8. *And be it enacted*, That this act shall take effect immediately.

Passed April 8, 1884.

CHAPTER XCIX.

An Act to provide for the payment of indebtedness incurred in excess of appropriation made to any city board having control of the improvement and re-construction of streets and sewers.

Board of finance empowered to appropriate money for payment of indebtedness.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where in any city of this state the board having control of the improvement and re-construction of streets and sewers has heretofore incurred any indebtedness to a greater amount than the amount of its appropriation as made by law by reason of the re-construction or repairs of public streets or avenues in said city, then and in that case the board having control of the finance of said city shall have the power to appropriate a sum of money not exceeding three thousand dollars for the payment of any indebtedness exceeding the amount of the said appropriation; *provided, however*, that said indebtedness shall have been incurred under and by a written contract or contracts legally entered into with said city, or its proper municipal department, and the work has been done and materials furnished as required by said contract or contracts.

Proviso.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith, so far as it affects, be and the same are hereby repealed, and this act shall take effect immediately.

Passed April 8, 1884.

CHAPTER CI.

An Act for the taxation of railroad and canal property.

Railroad and canal property, how taxed.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That all the property of any railroad or canal company not used for railroad or canal purposes shall be assessed and taxed by the same assessors and in the same manner, and at the same rate as the taxable property of other owners in the same municipal division or taxing district; all other property of any railroad or canal company shall be assessed and taxed as hereinafter directed; the tax imposed by this act shall be in lieu of all other taxation upon the property subject to taxation under the provisions of this act; in all cases where the real estate, tangible personal property and franchise of any company are assessed and taxed under this act, the shares of stock and the bonds and certificates of indebtedness of such company shall not be taxed in the hands of the shareholders, bondholders or creditors, except as hereinafter provided.

Property used for purposes of company to be assessed by state board of assessors.

How constituted and appointed.

Term of office.

Vacancies, &c.

2. *And be it enacted*, That all property of any railroad and of any canal company used for railroad or canal purposes shall be assessed by a state board of assessors, which shall consist of four members and shall be appointed by the governor, by and with the advice and consent of the senate; not more than two shall be members of the same political party; and no person shall be qualified or authorized to act as a member of said board unless his appointment shall have been confirmed by the senate; their term of office shall commence on the first Monday of May; the assessors first appointed shall be appointed to hold office respectively for one, two, three and four years, and until the appointment of a successor; all subsequent appointments shall be for a term of four years and until the appointment of a successor; vacancies shall be filled by the governor, subject to the approval of the senate; the said assessors shall be citizens of this

state, and shall not, during their term of office, be interested in any railroad or canal company; each assessor shall, before entering on his duties, file with the secretary of state an oath taken before a justice of the supreme court that he will faithfully discharge the duties of his office, and that he is not interested in any railroad or canal company; they shall each receive an annual salary of twenty-five hundred dollars; three members shall constitute a quorum, and any official act shall be valid which has the sanction of three members; they may employ a secretary, who shall receive such yearly compensation as the board of assessors may determine, not to exceed one thousand dollars; they shall keep a record of their proceedings, and shall annually report to the legislature; the office of railroad commissioner is hereby abolished.

To file oath.

Salary.

May employ secretary, compensation of.

Record and report.

Office abolished.

3. *And be it enacted*, That it shall be the duty of the board of assessors to meet at Trenton on the first Tuesday of May in the present and each succeeding year, and as often during each year and at such places as their duties may require; they shall proceed to ascertain the true value of all property used for railroad or canal purposes of each railroad and of each canal company in this state, including its franchises, and they shall, in such ascertainment, ascertain separately:

When board to meet.

What to ascertain.

I. The length and value of the main stem of each railroad, and of the water-way of each canal and the length of such main stem and water-way in each taxing district;

Main stem and water-way.

II. The value of the other real estate used for railroad or canal purposes in each taxing district in this state, including the road-bed, (other than main stem) water-ways, reservoirs, tracks, buildings, water-tanks, water-works, riparian rights, docks, wharves and piers, and all other real estate, except lands not used for railroad or canal purposes;

Other real estate used for railroad or canal purposes.

III. The value of all the tangible personal property of each railroad and of each canal company;

Tangible property.

IV. The value of the franchise.

Franchise.

The term "main stem" of each railroad and of each canal company, as used in this act, shall be held to include the road-bed not exceeding one hundred feet in width, with its rails and sleepers, depot

Terms defined.

buildings used for passengers connected therewith; the term "water-way" shall be held to include the towing-path and berme-bank; the term "taxing district" shall be held to designate any municipality, city, township, borough, incorporated town or village having power to assess and levy taxes, through which any road or canal may run; the term "tangible personal property" shall be held to include the rolling-stock, cars, locomotives, ferry-boats, all machinery, tools and other tangible personal property of any railroad company, and the floating, movable and other tangible personal property of any canal company, and also the locomotives and cars not belonging to such railroad company but built for its use and actually used in this state, or run under its control in this state by a sleeping-car company or other company; but the rolling stock of other persons or corporations temporarily used on any such road, and the floating or movable property temporarily used on such canal, but not forming part of the equipment of such road or canal, shall not be included in said term.

Property not included in term.

When state board to accept valuation of local assessors.

4. *And be it enacted*, That if the assessed value of the real estate of persons other than railroad or canal corporations in any taxing district wherein such railroad or canal property may be found, as ascertained by the assessors of such taxing district, is relatively lower than that which has been laid upon the land of the several companies in said taxing district, the said board shall be required to accept said valuation of the assessors for such taxing district as a correct standard of value and to thereby correct or reduce the separate valuation provided for in the second subdivision of section three of this bill.

Duty of local assessors to send statement of property, &c. to state board within certain time.

5. *And be it enacted*, That it shall be the duty of the assessors in all taxing districts where property of any railroad or canal company not used for railroad or canal purposes shall be assessed, to certify and send to the state board of assessors, on or before the second Monday of June in each year, a statement giving the description of such property and showing the assessed valuation thereof; the local assessors shall also at the same time, certify and send to the state board of assessors a short description of all the real property in their respective

taxing districts, used or owned for railroad or canal purposes, excepting the main stem or road-bed and track not exceeding one hundred feet in width of each railroad, and the water-way, towing-path and berme-bank, not exceeding one hundred feet in width of each canal; the said assessor shall also certify to the said board the local rate of taxation for county and municipal purposes, as soon as the same shall be determined, and such other information obtained in the course of the performance of the duties of their office, as the said board shall require of them, and for the service mentioned in this section the said local assessors shall receive three dollars per day for each day actually engaged in such service, to be paid on the warrant of the comptroller on an affidavit of such service being filed in the office of said comptroller.

To certify local rate of taxation to state board.

Compensation of local assessors, how paid.

6. *And be it enacted*, That whenever in any taxing district there shall be several branch lines of railroad belonging to or controlled by one company or operated under one management, the assessors shall designate one of said lines as the main stem, and the value of the others shall be included in the separate valuation provided for in the second subdivision of section three of this bill.

When there are several branch lines of railroad one to be designated as main stem.

7. *And be it enacted*, That on the first Monday of July the board shall meet at the state house in Trenton, and shall give a hearing to all companies interested, touching the valuation and assessment of their property, the board may adjourn from day to day, and may, if they see fit, require all arguments and communications to be presented in writing; when the first Monday of July shall fall on the fourth or fifth day of that month, the day of meeting shall be on the first Tuesday of July; all parties interested shall take notice of this hearing.

When board to meet and give hearing touching valuation and assessment of property.

8. *And be it enacted*, That when any railroad or canal company has part of its main stem or water-way in this state and part thereof in another state or states, the said board shall estimate separately the entire value of the franchise, the main stem, the water-way and the tangible personal property of the company, in accordance with the provisions of this act, and divide it in the proportion that the length of the main stem or water-way in this state bears to the whole length of such main stem or water-way, and determine the value of the property in

How value of property estimated when part of main stem or water-way is in another state.

this state thus estimated accordingly; and the said board shall also estimate the value of the real estate of said company in this state used for railroad or canal purposes, except the main stem, in the manner directed in subdivision two of section three of this act.

Property of company leased or operated by another corporation, how assessed.

9. *And be it enacted*, That if the property of any railroad or canal company be leased or operated by any other corporation, foreign or domestic, the property of the lessor, or company whose property is operated, shall be subject to taxation in the manner hereinbefore directed, and if the lessee or operating company, being a foreign corporation, be the owner or possessor of any property in this state other than that which it derives from the lessor or company whose property is operated, it shall be assessed in respect of such property in like manner as any domestic railroad or canal company; any tangible personal property of such foreign company, if used or kept but a part of the time in this state, shall be assessed such proportionate part of its value as the time it is used or kept in this state during the year preceding the first day of January mentioned in section twenty-one hereof bears to the whole year.

Deduction allowed on account of mortgage.

10. *And be it enacted*, That in case any railroad or canal company shall claim a deduction on account of any mortgage or debt secured thereby, the said board are hereby required to allow the same in the cases in which and to the extent to which the assessor is authorized by law to allow a deduction in the case of any other owner of mortgaged lands, and thereupon the said mortgage and the estate of the mortgagee in the land mortgaged shall be subject to taxation in the same manner, as nearly as may be, and at the same rate or rates, as the estate of the mortgagor; the deduction shall be made *pro rata* from the valuation of each class of property covered by the mortgage, and the amount received from the taxation thereof shall be distributed as if the tax had been paid by the mortgagor without deduction.

Deduction, how made.

Deduction for debt allowed.

11. *And be it enacted*, That if any railroad or canal company shall claim a deduction in any case in which such deduction could be claimed under the twentieth section of an act entitled "A further supplement to an act entitled 'An act concerning taxes'," approved April four-

teenth, eighteen hundred and forty-six, which supplement was approved April eleventh, eighteen hundred and sixty-six, other than the deduction last hereinbefore mentioned, the said board are hereby required to allow the same, and the said indebtedness so allowed shall be taxable as other debts owing to creditors residing in this state are taxable, and at the same rate; but the assessment thereof shall be made by said board, and not by the local assessor, and the tax shall be paid to the comptroller of the state, to the credit of the fund derived from taxation under this act; the deduction shall be made *pro rata* from the valuation of each class of property of the debtor assessed, and shall be distributed as if the tax had been paid by the debtor without deduction; *provided*, that no deduction, either for mortgage or other indebtedness, shall be allowed unless the same shall be applied for in the report and statement required to be made pursuant to section twenty-one of this act, and unless the nature of the indebtedness, and the name and residence of the creditor, and the different taxing districts in which the mortgaged land lies, shall be specified.

Assessment to be made by state board, &c.

Proviso.

12. *And be it enacted*, That the state board of assessors shall, upon the completion of their valuation and assessment, proceed to compute the tax upon the entire assessed valuation of each railroad company, and of each canal company, as ascertained by them; upon such valuation each company shall pay to the state, for state purposes, a tax at the rate of one-half of one per cent. annually upon each dollar of valuation, and the state board of assessors shall compute the same; each company shall also pay, in addition to said tax of one-half of one per cent., a tax at the local rate as fixed and assessed for county and municipal purposes, upon other property in each taxing district, upon the valuation of its property in the several taxing districts, separately valued and assessed under the provisions of subdivision two of section three of this act, which tax shall also be computed by the state board of assessors; but the last-mentioned rate shall in no case exceed one per cent. of the valuation of the property valued under the provisions of subdivision two of section three of this act; the sum of the estimates or computations for each company shall constitute

State board to compute tax upon completion of assessment.

State tax.

Local tax.

Local rates limited, &c.

the tax to be paid by each company, and shall be a lien paramount to all other liens upon all the lands and tangible property and franchise of such company in this state; such lien shall take effect on the first day of December; and a copy of the valuation in detail of the property of each corporation, and of the tax assessed against the same under the provisions of this act, shall be served upon the treasurer of such corporation or left at his office within ten days after said first day of December; but the failure to serve any such notice shall not be held to invalidate any tax assessed or affect any lien created under this act; said tax shall be a debt due from such company to the state on that date, for which an action at law or in equity may be maintained, and which shall be a preferred debt in case of insolvency; these remedies are in addition to the special proceedings provided for in this act. That if said board upon complaint of any company shall in any case ascertain that the addition of the state tax of one-half of one per cent. to the local rate as limited in this act would compel any company to pay more tax than the tax such company would pay if such company did not pay the state tax of one-half of one per cent. but did pay full local rates on all the property and franchises mentioned in section three, without any other exemption than such as would be allowed to an individual citizen on such property, that then and in such case, the said board shall make such deduction as will make the tax equal to the amount that such company would pay upon all the property and franchises mentioned in section three if assessed at full local rates without any state tax of one-half of one per cent.; the board, for the purpose of ascertaining this amount, but for no other purpose, to be authorized to apportion the value of the franchise among the local taxing districts.

Copy of valuation, &c., to be served on treasurer of each corporation, &c.

Tax a preferred debt in case of insolvency.

Deduction to be made if addition of state tax to local rate limited by act would compel company to pay more than full local rates upon all its property.

Board to certify statement to state comptroller within certain time.

13. *And be it enacted*, That the said board shall certify and report to the comptroller of the state, on or before the first day of December in each year, a statement of the assessed valuation of the property of each company in the state, and of the separate valuation of property in each taxing district, as made by them, the amount of tax payable by such company with respect to its property separately valued in each taxing district, and the aggregate assessed valuation, and the total tax levied upon each com-

pany; such statement shall be made separately for each company, and as to said property separately valued, shall be arranged by taxing districts in such manner as to be of easy reference, and shall be recorded in books in the office of the state comptroller, to be provided by him for that purpose, and shall be public records, subject to public inspection; and the amount of tax payable by each company, as shown by the said statements, shall be due and payable into the state treasury, on the first day of January following; it shall be the duty of the state treasurer to receive payment of the said taxes from said companies; if the taxes of any company, or any portion thereof, remain unpaid on the first day of February following the levying thereof, such company shall be considered in default, and such taxes, or such unpaid portion thereof, shall thenceforth bear interest at the rate of one per cent. for each month until paid.

Statement to be recorded, &c.

Tax when due, &c.

14. *And be it enacted*, That the money collected under this act for the one-half of one per cent. tax shall be applied to the uses of the state, according to law; the amount received for tax upon property separately assessed in the different taxing districts is hereby appropriated, and shall be allotted to the various taxing districts, giving to each district the amount that was derived from the property of each railroad or canal company therein; the comptroller shall transmit to the collector of each county a certificate showing the amounts allotted to the taxing district therein, and shall draw his warrant upon the state treasury, in favor of the several county collectors, for the amounts allotted to their several counties, and the county collector shall forthwith pay to the collector or other proper officer of each taxing district the amount allotted thereto, deducting, however, the amount due for county taxes from such taxing district; the amount thus paid to the county and taxing district shall be at the disposal of the proper authorities for public purposes; *provided, however*, that whenever the local city rate as fixed and assessed in any city exceeds one per cent. of the ratables of such city, that in such case the comptroller shall transmit to the collector of taxes of said city a certificate showing the amount allotted to such city, and shall draw his warrant

Money collected for tax, how appropriated.

Proviso.

upon the state treasurer in favor of the treasurer of such city for said amount; such warrant to be at the disposal of the board of such city having control of its finances, to be used for the municipal purposes of such city, such amount to be first applied to the payment of the city debt and interest falling due thereon; and in such case the amount to be transmitted to the county collector of the county in which such city is situated shall be reduced to that extent.

When board to meet to review assessments.

15. *And be it enacted*, That the said state board of assessors shall meet on the third Monday of December, at the state-house, in Trenton, for the purpose of reviewing their assessment, and may adjourn from day to day till they shall have finished the hearing; upon the written complaint of any company or person considering itself or himself aggrieved, and specifying the grievance, or of the attorney-general or of any member of the board, on behalf of the state, that the property of any company is assessed too low, either in the whole or in any taxing district, or that property has been omitted, they shall review the said assessment, and correct the same as shall appear just; the attorney-general shall attend such meetings of said board in person or by deputy; no complaint that any company or person is assessed too low, or that any property has been omitted, shall be acted upon until the company or person so assessed shall be notified of such complaint by five days notice to be served on such company or person by leaving the same at the office of such company or at the usual place of abode of such person if a resident of this state, the board shall have the power to examine witnesses and call for the production of books and papers, and they shall be entitled to use their personal knowledge and judgment as to the value of property; they shall certify to the comptroller of the state all corrections which they shall make in any assessment; the proceedings provided for by this section shall be completed, if possible, before the first day of January following the making of said assessment, and all complaints must be presented on or before the third Monday of December, or shall be deemed to have been waived.

Proceedings to review assessments.

When proceedings to be completed.

16. *And be it enacted*, That if any company or person

assessed, or if the attorney-general on behalf of the state, shall desire to contest the validity or amount of any tax levied upon property under the provisions of this act, such contest shall be made by *certiorari*, which may be granted on notice to the attorney-general or to the company or person assessed, on a proper case made, on such terms as the justice or court granting the writ may impose; upon such writ, relief may be had as well in cases where it is claimed that the amount of tax is excessive or insufficient, as in cases where it is claimed that the principle upon which the assessment is made is erroneous; *provided*, that no writ of *certiorari* shall be granted unless the applicant has applied to said board of assessors to review the assessment as provided for in section eighteen of this act, nor shall any writ of *certiorari* be granted after the expiration of three months from the final determination of said board; if such writ shall be allowed, and if it shall be made to appear that any assessment is unlawful, excessive or insufficient, the court shall correct the same and reduce or increase it as may be just or refer it back to the board of assessors, who shall correct or reassess the same in accordance with the instructions of the court; in any suit or proceeding except on such *certiorari*, the certificate and report of the state board of assessors shall be conclusive and shall have the force and effect of a judgment of a court of record having competent jurisdiction and the proceedings whereon such certificate and report are founded shall not be inquired into; no assessment or tax shall be set aside for misnomer of the owner of the property assessed; but the name may be corrected at any time by the board of assessors or court.

Proceedings to contest validity of tax.

Proviso.

17. *And be it enacted*, That if any tax under the provisions of this act shall remain unpaid in whole or part at the expiration of two months from the date when the same shall become a lien, it shall be the duty of the attorney-general to apply forthwith to a justice of the supreme court for an order that said tax and the interest due thereon and a reasonable sum to be certified by said justice to be paid for the expense of said proceeding, shall be made a record of the supreme court, and judgment shall be entered therefor in the name of the state of New Jersey as plaintiff against said company, mortgagee or

Proceedings when tax remains unpaid for two months from time it became a lien.

mortgagees, or other creditor as defendant which order shall be made upon production of a certified copy from the comptroller of the certificate and report of the state board of assessors on file in his office, and of the certificate of the comptroller that said tax has not been paid; the attorney-general shall also apply for an order that execution forthwith issue on said judgment, directed to a master of the court of chancery to be named by said justice in said order; the said orders shall be respectively applied for on five days notice to the company or mortgagee or mortgagees or other creditor concerned, which notice, in the case of any company, shall be served in the same manner as a summons is directed by law to be served upon a corporation, and in all cases the proceedings shall be summary; in case a *certiorari* shall have been granted, on application of the attorney-general the orders above provided for shall be made and enforced without prejudice to the right of the state to enforce the payment of any additional amount of tax which may be imposed and to apply for a second judgment therefor; in case a *certiorari* shall have been granted on application of any company or mortgagees or other creditor taxed, the attorney-general shall make the applications provided for by this section upon the determination of said proceedings in *certiorari*, by dismissal of the writ or by adjustment of the amount due.

Sale of property under execution.

18. *And be it enacted*, That the master in chancery to whom the execution shall be directed shall sell all the franchise, real estate and rolling stock and property of said company and the estate and interest of any mortgagees, and the debt due to any creditor for which a deduction has been allowed or so much thereof as may be necessary to make the amount due on said tax judgment and the usual execution fees; the execution shall describe the property or debt aforesaid whereon the tax was assessed and shall direct the sale thereof and generally the sale of all other property of said company or person; such sale shall pass the absolute title to the franchises and property and debt aforesaid so sold whereon the said tax was assessed or became a lien, free and clear of all liens, incumbrances and trusts of every nature, except taxes subsequently levied; in case of a sale of the estate and

interest of any mortgagee it shall pass as well such estate as the interest of all bondholders and *cestuis que trust* for whose benefit said mortgage may have been given or may be held in trust, or otherwise; as to any other property of said company or persons, the judgment and execution shall constitute or become liens in the same manner and to the same extent as other judgments and executions of the supreme court; the sale, advertisement and proceedings under such executions shall be the same as under other executions of the supreme court; *provided, however*, that the company whose franchise, real estate, rolling stock and property, of any part thereof, has been so sold and the mortgagee or mortgagees or any bondholder or other person having an interest in the estate and interest of the corporation or mortgagee which has been so sold, may, at any time within two years from and after any such sale, redeem the property so sold by tendering and paying to the purchaser or purchasers thereof the amount of the purchase money by him or them paid, together with interest thereon at the rate of ten per cent. per annum.

Provision for redemption of property sold.

19. *And be it enacted*, That it shall be the duty of the justice or court granting to any company, mortgagees or creditor a writ of *certiorari* to review an assessment of taxes under this act, to require, before granting the writ, the payment of such portion of the tax as said justice or court shall deem just, and it shall be lawful for the court out of which such writ shall issue, at any time pending the proceedings thereunder, to direct such further payment on account of such tax as the court shall deem just, and to dismiss the writ if the order is not obeyed; the amount so paid shall be credited on the tax as it shall be finally determined and fixed under this act, and no interest shall be charged upon the amount thus paid and credited after the time of payment; should the amount thus paid be in excess of the amount ascertained to be due, the excess shall be repaid by the state upon the order of the court; and the state comptroller shall, upon such order issue his warrant for such payment accordingly.

Payment of portion of tax required before granting writ to review assessment.

20. *And be it enacted*, That in order to ascertain the facts necessary for the discharge of their duties under this act, the said board shall use such lawful means as

Powers conferred upon board to ascertain facts necessary for discharge of duties.

they may deem necessary; they may employ surveyors if they shall be dissatisfied with information otherwise attainable; they shall have the power of compelling the attendance of witnesses, and to call for the production of abstracts of books and papers; and they may delegate such power to any member of their board authorized by them to investigate and report; they shall also use the returns hereinafter provided for, but such returns shall not be conclusive, and if any of said returns shall not be made, the board shall ascertain the necessary facts from the best information they can obtain, in such mode as they may find convenient, using their personal knowledge and judgment; the said assessors, or any one of them, shall have power to administer oaths and affirmations to any person to ascertain any facts proper for them to know in order to enable them properly to perform the duties of their office, and they may reduce the statements of the person sworn to writing and require him to swear and subscribe thereto, and may *ex parte* apply for and obtain from any justice of the supreme court an order to compel any person to submit to examination in reference to such matters, and such justice may punish any party as for a contempt who shall disobey any order made by such justice in the premises.

Statement of property of company to be returned to state board within certain time.

21. *And be it enacted*, That on or before the first day of July next, and on or before the first Tuesday of May in each year thereafter, any person or company running, operating, or constructing any railroad or canal in this state, shall return to the state board of assessors statements or schedules, subscribed and sworn to by the president, or other chief officer, before some officer of the state authorized to administer oaths, of the property of such railroad or canal as it existed on the first day of January preceding, which, for each railroad, shall be as follows:

Statement for railroad company.

I. Of the real estate, specifying its extent and dimensions, which may be shown by a map or maps, setting out in detail the total length of the road, including branch and leased lines, the entire length in this state, and the length of double or side tracks; and the number, character and value of all buildings and structures in each county and in each taxing district through or in which it is located in this state, designating the main stem or

road-bed and the width wherever it exceeds one hundred feet, and designating particularly any portion in each taxing district which is not used for railroad purposes, and which is locally assessed and taxed, and the value thereof;

II. Of the rolling stock and tangible personal property, giving the number of freight engines, passenger engines, passenger and freight cars, ferry-boats and other movable property of every description, owned, used or hired, and the value thereof; Rolling stock, &c.

III. A statement or schedule, showing:

a. The amount of capital stock authorized and the number of shares into which such capital stock is divided; Capital stock.

b. The amount of capital stock paid up;

c. The market value, and if no market value, then the actual value of the shares of stock;

d. The total amount and the details and particulars of all indebtedness. Indebtedness.

Such statements and schedules for canals shall be as follows:

I. Of all the real estate of said company, giving the depth of water and dimensions of such canal, the length of the canal and of its feeders in the state, and the number, character and value of all locks, and of all buildings and other structures in each county and taxing districts, designating particularly the width where it exceeds one hundred feet and designating any portion in each taxing district which is not used for canal purposes and which is locally assessed and taxed; Statement for canal company.

II. The floating and movable property;

III. A statement or schedule containing all the particulars above enumerated and to be returned by railroad companies in the third statement or schedule; such statements or schedules shall be made in conformity with such instructions and forms as may be prescribed by the said board, and such further statements shall be furnished as said board shall require; the said board shall prescribe the form of the oath to the statements and schedules required by this section, and any person who shall make such oath falsely shall be guilty of perjury. Statements, &c., to conform to forms prescribed by state board.

22. *And be it enacted*, That any railroad or canal company claiming exemption from taxation under this act, by

Company claiming execution under contract with state to make further return.

reason of any alleged contract with the state, shall, together with and in addition to the return required by the last section, make a further return specifying the act or acts of the legislature by which such contract is claimed to have been created, and also specifying what portion of the property of said railroad or canal company is claimed to be exempt from taxation under this act, and the particulars as to character, location and value of the property, if any, admitted to be liable under this act; such return shall be in no manner conclusive as to any of the facts therein stated, but said board shall investigate and determine whether any, and if any what portion of the property of such company is by contract beyond the power of the state to tax under this act; the residue of said property shall be assessed, apportioned, valued and taxed pursuant to the provisions of this act.

Unlawful for company having contract with state exempting any of its property from taxation to acquire other property unless it agrees that such property shall be subject to taxation.

23. *And be it enacted*, That it shall not be lawful for any railroad or canal company having any contract with the state whereby any of their property is exempted from the taxation imposed by this act, to acquire and hold, directly or indirectly, any property in this state (except such property as such company may be entitled to acquire and hold pursuant to their said contract with this state, if such company has any charter provisions on this subject which the legislature cannot abrogate or repeal), unless such company shall, by a written instrument, executed under their common seal, approved by the attorney-general and filed with the secretary of state, first agree that any and all property acquired by such company after the passage of this act shall be subject to taxation under the provisions of this act, or any amendments thereto, or any further act of the legislature, in which case such property shall be so subject.

Penalty for neglecting to make returns.

24. *And be it enacted*, That if any person or corporation running, operating or constructing any railroad or canal shall wilfully neglect to make returns as required by this act, such person or corporation shall forfeit as a penalty not more than ten thousand dollars, to be assessed by the jury, for each offence, to be recovered in any proper form of action in the supreme court, in the name of the state, and paid into the state treasury; it shall be the duty of said board to certify any such default to the attorney-

How recorded.

general of the state, and it shall be the duty of the attorney-general to prosecute for such penalty; any person who shall make falsely any oath required to be made under this act, and any person who shall testify falsely, when called to testify under this act, shall be guilty of perjury, and on conviction thereof shall be liable to all the penalties prescribed by law therefor. Penalty for swearing falsely.

25. *And be it enacted*, That all railroad companies in this state which shall hereafter pay any taxes imposed by this act, on any cars, hired, leased, run or used on the roads of such companies in this state, shall have a right of action against the company or persons owning such cars, for the taxes so paid, with interest thereon from date of payment, and may sue for and recover the same in any court of competent jurisdiction; but nothing in this section shall be so construed as to avoid the obligation of any contract relating to the payment of taxes, heretofore entered into or made between any such company, its agents, or persons owning such cars, and any such railroad company. Company paying tax on cars hired, leased, &c., to have a right of action against owners for tax paid.

26. *And be it enacted*, That if any company shall be in default under this act in payment of the state tax aforesaid, any person having any interest in a mortgage or other lien on its franchises or property, may pay the state treasurer the amount of such state tax, and the interest due thereon, and receive from said treasurer a certificate of such payment, and such person shall thereupon be entitled to be repaid the amount of said tax and interest thereon at the rate of twelve per cent. per annum out of the first proceeds of any sale of the franchises or property of said company, and such tax and interest thereon shall continue a lien on the franchises and property of the company for the benefit of the holder of or person interested in such mortgage or lien until paid by said company or from the sale of its franchises or property; if any proceedings have been taken by the attorney-general to enforce the payment of said tax and interest thereon, then such holder of or person interested in a mortgage or lien paying such tax and interest shall pay such additional amount as a justice of the supreme court shall certify to be proper and reasonable for the expenses and services of the proceedings as far as they Payment of tax when company is in default.

have progressed for the collection of said tax and interest thereon.

Assessment of property of company operated by individual or association not incorporated.

27. *And be it enacted*, That if any railroad or canal shall be owned or operated under a franchise by any individual or association not incorporated, the term company used in this act shall apply to such owners or operators, and such property shall be assessed and taxed under the provisions of this act in the same manner as if operated by a company, and the persons operating or owning such railroad or canal shall make the returns required by this act to be made by companies.

Attorney-general empowered to employ assistants.

28. *And be it enacted*, That the attorney-general shall, with the approval of the governor and comptroller, have power to employ such assistant attorneys or counsel as may be necessary to protect and properly defend the interest of the state, in carrying out the provisions of this act; and such assistant shall be paid such compensation by the state as may be approved by the attorney-general and the comptroller; the state board of assessors shall have power, during the first year of the operation of this act, to employ such assistants in making their valuations, as may be necessary to complete the same in due time, and such assistants shall be paid such reasonable compensation for their services as the board and the governor shall approve.

State board may employ assistants.

Company claiming exemption under contract may pay certain sum.

29. *And be it enacted*, That any corporation having or claiming to have any contract with the state whereby any of its property is claimed to be exempted from the taxation imposed by this act, may, at its discretion, voluntarily pay to the state from year to year, such sums of money as, added to the tax now assessable against such corporation under such alleged contract will be equal to the tax assessable against such corporation under this act in respect to the property so claimed to be exempted, and such voluntary payment shall not be construed in any proceeding or suit to be a waiver by such corporation of its said alleged contract; *provided, however*, that nothing in this section, or in this act contained, shall be construed or taken as an admission on the part of the state that any corporation is possessed of any contract or especial provision of law on the subject of taxation which may not at any time be repealed or modified by the state.

Proviso.

30. *And be it enacted*, That if any section of this act shall, for any reason, be held to be unconstitutional or invalid, it shall not affect the other provisions of this act or any of them. If one section of act unconstitutional not to affect other provisions.

31. *And be it enacted*, That any corporation in this state having the right, by contract, to any different imposition of tax, either state or municipal, than that provided for in this act, are hereby authorized to execute and file in the office of the secretary of state an instrument, to be first approved by the attorney general, waiving the benefit of any such contract, whereupon they shall be bound by the terms of this act, or any amendment hereto, or any further act of the legislature, and upon filing any such instrument the state agrees to surrender its right to take the property of any such corporation under any law now existing; *provided*, that any such corporation shall execute and file such instrument within six months from the time of the passage of this act. Corporation having right by contract to different imposition of tax may execute and file instruments waiving benefit of contract, &c. Proviso.

32. *And be it enacted*, That this act shall be subject to amendments, alterations or repeal at the will of the legislature. Act subject to amendment, &c.

33. *And be it enacted*, That this act shall take effect immediately.

Approved April 10, 1884.

CHAPTER CII.

AN ACT to authorize thief detecting societies to exercise police powers in townships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every member of any thief detecting society, incorporated under the laws of the state of New Jersey, shall be empowered upon view and without warrant, to apprehend and arrest all persons committing breaches of the peace in any township in which said society is organized, and in like manner to apprehend Members of detective society empowered to exercise police powers.

and arrest all disorderly persons in said township and bring them before a justice of the peace in said township, to be dealt with according to law.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 14, 1884.

CHAPTER CIII.

A Supplement to an act entitled "A bill providing for the founding of a state institution for the instruction and maintenance of indigent deaf mutes, to be known as the 'state institution for the deaf and dumb,'" approved March thirty-first, one thousand eight hundred and eighty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section eight of the act to which this is a supplement, be and is hereby amended so as to read as follows:

Deaf mute within certain age may be admitted to institution.

[8. *And be it enacted*, That any indigent deaf mute of suitable capacity, who shall be a legal resident of this state, and who shall be not less than eight years nor more than twenty-one years of age, may be admitted to and be entitled to the benefits of the institution, subject to such rules and regulations as have been or may be established by the board of trustees, and the term of instruction shall

Proviso.

be three years; *provided*, that in any case in which it may seem proper, in the judgment of the trustees, the term may be by them extended to a period not exceeding eight

Proviso.

years; *and provided, further*, that when it shall be found, in the judgment of the trustees, that any pupil now in the institution, or hereafter admitted, shall be, from want of capacity, or other cause, not capable of receiving the benefits designed to be conferred by the law, or that the retention of any pupil is or may be detrimental to the

interests of the school, the said trustees shall have power to shorten the term of or to dismiss from the school such pupil upon reasonable notice given to his or her parents or guardians.]

2. *And be it enacted*, That the name and title of the institution established under the act to which this is a supplement, shall hereafter be "the New Jersey school for deaf mutes." Title of institution.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 14, 1884.

CHAPTER CIV.

An Act concerning the salaries of officers in cities and townships of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the proper authorities in any city or township of this state to enter into and make a contract with any officer of such city or township to perform the duties of his office at a salary less than that fixed by any law affecting such city or township, and that when such contract shall be entered into as aforesaid, such officer shall not be entitled to receive or recover from such township any other compensation than shall be fixed by such contract. Proper authorities may make contract with officer to perform duties at a salary less than that fixed by law.

2. *And be it enacted*, That where any officer shall have entered into an agreement with any township or city to perform the duties of his office for a compensation less than that provided by law, such officer shall not be entitled to receive or recover from such city or township any further compensation than shall have been so agreed upon, but such agreement shall be binding upon the parties thereto. After agreement officer not entitled to further compensation.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 14, 1884.

CHAPTER CV.

AN ACT to enforce the payment of taxes in cities of this state.

Payment of taxes in arrear for one year.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any tax hereafter levied upon real estate shall remain in arrear and unpaid for the space of one year, it shall be lawful for the collector of taxes to receive from any person, other than the owner, payment of the amount of said tax, with all arrears of interest due thereon, which payment shall be called a "tax-purchase;" such tax-purchase shall not discharge said tax, nor the lien thereof, but the collector shall thereupon deliver to the tax purchaser a receipt for the same, and he and his assignees shall be entitled to be reimbursed the amount so paid to the city, with interest at eight per centum per annum, as hereinafter stated; any person interested in such property, or any one in behalf of such interested person, may at any time before the sale hereinafter provided for, discharge said tax and the lien thereof by paying the amount paid by such tax purchaser, with interest at eight per centum per annum, to the city treasurer for the use of such tax purchaser and his assigns.

Real estate upon which tax shall be in arrear for five years, to be sold.

When sale may be made.

2. *And be it enacted*, That all real estate upon which any tax hereafter levied shall become and be in arrear and unpaid by the owner, for the space of five years, from the time when such tax became due, shall be sold as hereinafter provided; such sale may be made at any time after the expiration of said five years, and the lien and the priority thereof given by the charters of said cities respectively, or by any law of this state, for taxes levied

in said cities shall always exist as so given, notwithstanding the changes in the time and manner of sale made by this act.

Improved property, how sold.

3. *And be it enacted*, That if such real estate shall at the time of making such sale be improved property, it shall be sold for the shortest term for which any person will agree to take the same, and pay to the city all arrears of taxes levied after this act takes effect, and due at the date of said sale, with the interest thereon, and all costs, charges and expenses, and the mayor and city clerk shall execute a deed or declaration of sale for said property under the corporate seal of said city, and deliver the same to the purchaser.

Unimproved property, how sold.

4. *And be it enacted*, That if such real estate shall be unimproved property, the smallest portion of the same, which any person will take and pay all arrears of taxes levied after this act takes effect and due at the date of such sale, and interest and costs, upon the whole property, shall be sold to such person so agreeing to take the smallest portion thereof, and a deed shall be executed by the mayor and city clerk, under the corporate seal of the city, and delivered, and it shall convey to said purchaser the portion so sold, in fee simple.

5. *And be it enacted*, That out of the proceeds of the sale made in either of the methods stated in this act, there shall be paid to any tax purchaser, or his assigns, the amount due to him or them upon any tax purchase of any tax for the payment of which the property has been sold.

Real estate to be classified as improved or unimproved property.

Definition of terms.

6. *And be it enacted*, That all real estate shall be classed by the assessors as improved or as unimproved property; improved property is real estate capable, at the time of assessing the tax, of producing an annual rent double the amount of the then last annual tax; unimproved property is real estate which is not capable, at the time of assessing the tax, of producing such an annual rent; but if the owner of any real estate shall make affidavit, and deliver the same to the assessors, that it is doubtful whether his property is capable of producing such annual rental, then the assessors shall class such property as unimproved real estate; or if any owner shall make affidavit that he believes that his property will pro-

duce such an annual rent, then the assessors shall class the same as improved real estate; as far as practicable, real estate shall be assessed in such lots and plots as it is designated by upon some map filed in a public office in the city or county, preference being given to an official city map; when the property is so situated that one or more vacant lots may be assessed separately from the plot or lots upon which the principal building and its appurtenant buildings stand, such vacant lot or lots shall be so assessed separately, unless the owner shall request such vacant lots to be included with the improved property in one assessment; no objection shall be heard or entertained to the classification of property as improved or unimproved, unless the same is presented to the commissioners of appeal in cases of taxation, or to the supreme court, by certiorari, within one year from the time such tax becomes payable.

Property, how assessed.

Objection to classification to be presented within one year.

Sale of unimproved property for taxes.

7. *And be it enacted*, That in selling unimproved property for taxes, when less than the whole of any tract of land, or when less than the whole of any number of lots lying together in one tract and belonging to the same person shall be sold, it shall be the duty of the city officer to divide the said property for the purpose of sale, in such a manner as shall be least detrimental to the portion remaining unsold; the owner shall be entitled to designate the portions to be first offered for sale, and the order in which lots shall be sold; and if at such sale no person shall bid off a part of such tract, or one or more of said lots for the sum required to pay the amount due upon the whole tract, or the whole number of lots so lying together, then the whole of said tract or the whole number of lots so lying together shall be offered to the highest bidder for cash; if more than sufficient to pay the amount due be realized from such sale, the surplus shall be paid into the city treasury subject to the order of the owner.

When there are no bidders sale may be made to city.

8. *And be it enacted*, That if in either of the cases of sale provided for by this act there shall be no bidder, or in case of a sale of unimproved property to the highest bidder, there shall be no bid of a sum sufficient to pay the amount due, then the sale may be made to the city treasurer for the use of the city, and, in such case the city may, after such sale, at any time, without public

notice, assign its bid, or sell such lands to any person and deliver to such person a proper deed or assignment.

Proceedings for sale, how conducted, &c.

9. *And be it enacted*, That the proceedings for sale shall be conducted in like manner, and on like notice and advertisement of such proceedings as now conducted in the respective cities; no sale shall be attacked collaterally, but may be set aside upon certiorari only; the deed or declaration of sale duly executed or proved as required by law shall be, in all proceedings, presumptive evidence of a lawful assessment of tax, and of a lawful sale, notwithstanding any error in, or omission of any recital in such deed or declaration; no sale shall be set aside for any irregularity or defect in the proceedings if the property so sold was actually liable for a tax for which, if correctly assessed, and unpaid, the property might have been sold under proper proceedings; *provided*, the court is satisfied that the notice given of such sale was a fair one; the only causes for which a sale may be set aside shall be a want of fair notice of sale, and such other equitable causes as would be sufficient in a court of equity to set aside a sale made by a trustee invested with the legal title for the purpose of sale; and if set aside, it shall be upon such terms as in the judgment of the court shall be equitable to the purchaser; the court may, upon any certiorari to set aside any tax or sale, or upon any application made by a purchaser at a tax sale, on petition to the supreme court or court of chancery, summarily correct any error in the description of the property, or in the amount of tax, and may apportion any tax improperly assessed upon any properties which should have been assessed separately; in case of a reduction of the amount of tax, the city, if it shall have received the full amount, shall refund to the person equitably entitled thereto the sum reduced, with interest.

Proviso.

When sale may be set aside.

Property to be sold for full amount of all taxes in arrear &c.

10. *And be it enacted*, That in all cases of sales under the provision of this act, the property shall be sold for the full amount of all taxes in arrears levied after this act takes effect, and before the date of such sale, and the property so sold shall be sold subject to the lien of all taxes, if any, which have been legally levied at the time this act takes effect, and that shall be unpaid at the time of said sale, and to all lawful assessments, if any, which

have been, or shall have been, made for public improvements up to the time of such sale, and subject, also, to all water rents due at the time of such sale, and which then remain unpaid; and the lien of such taxes, assessment and water rent shall remain unaffected, and the payment of the same may be enforced in any manner, and by any proceedings, which might lawfully be used if this act had not been passed.

Redemption of property sold.

11. *And be it enacted*, That the property sold under this act may be redeemed by the owner or any other person interested therein, or by any person in his or their behalf, at any time within one year from the date of said sale, and at any time before the expiration of six months' notice, in writing, given to the owner, either personally or (if he is not to be found in the city, then), by mail, addressed to his last known place of residence, by paying to the treasurer of the city, for the use of the purchaser, the said purchase money, together with any other sum paid for taxes or other municipal charges, which the said purchaser may have paid, with interest at the rate of eight per centum per annum; such notice may be given by the purchaser at said sale at any time, and it shall be the duty of the person serving or causing the same to be served, to file in the city clerk's office a copy of the notice served, together with an affidavit proving the due service of said notice; and such affidavit shall be evidence in all courts and places, of the facts therein contained.

If tax set aside or tax title adjudged illegal purchaser entitled to receive from city the amount paid.

12. *And be it enacted*, That if any tax shall be set aside, or if any tax title shall, by the judgment of a competent court be adjudged illegal, any person making a tax purchase of such tax as provided in section two, or any person purchasing at a sale for such tax, as provided in this act, shall be entitled to receive from the city the amount so paid by him, with lawful interest from the date of such tax purchase or sale, and to recover the same in an action of debt.

Act not to apply until provisions are accepted by majority of votes.

13. *And be it enacted*, That this act shall not apply to any city until its provisions shall be accepted by the people of such city by a majority of the votes cast at any charter or general election to be held in said city, in pursuance of an ordinance submitting the same to such acceptance; and the words "hereafter levied," wher-

Words construed.

ever used in this act, shall be construed to mean levied after this act shall have been accepted as herein provided.

Question of acceptance or rejection of act may be submitted to voters.

14. *And be it enacted*, That the board of aldermen or common council of any city may, by ordinance, at any time, submit the question of the acceptance or rejection of this act to the voters at any charter or general election; and, if a majority of those who shall vote for the acceptance or rejection shall be in favor of the acceptance of the act, then this act shall go into effect immediately, and the grant of powers herein made, to any such city, shall be deemed to be accepted by such city, and such city shall be bound by the terms of this act; persons entitled to vote at any charter or municipal election, where this question is submitted to them, shall express their assent or rejection of this act by depositing their ballots in the box provided for depositing ballots at such election in the election precincts or wards of any such city; and those who are in favor of the acceptance of this act, and the grants and powers therein contained, shall each deposit a ballot containing the words "act to collect taxes accepted," written or printed thereon, and those who are opposed shall each deposit a ballot with the words "act to collect taxes rejected," written or printed thereon; and this acceptance or rejection may be expressed upon the ballot on which are the names of the state, city or ward officers, and no separate ballot shall be required for the purpose of this vote; there shall be a canvass, on the return of the votes, upon this question of such acceptance or rejection, made by the election officers in the same way and manner as for officers voted for at such election; and if a majority of the ballots on which there shall be either the words "act to collect taxes accepted" or "act to collect taxes rejected" shall be found to be for the acceptance of this act, it shall then, but not otherwise, go into effect and be binding upon such city wherein such vote shall have been taken.

Repealer.

15. *And be it enacted*, That all acts and parts of acts, general and special, inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately.

Approved April 14, 1884.

CHAPTER CVI.

An Act to provide a supplement to Stewart's digest of the law and chancery reports of the state of New Jersey.

Providing for the preparation, &c., of supplemental digest.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if John H. Stewart, of Trenton, New Jersey, shall prepare and publish a supplemental digest of the cases in the law and chancery reports of this state published since eighteen hundred and seventy-six, on a plan similar to the digest heretofore published by him, said supplement to be approved by the chancellor and justice of the supreme court, and to contain, including the tables of cases and index, not less than seven hundred pages, the state treasurer, upon five hundred copies thereof being delivered to him, well bound in good law sheep, shall pay him therefor seven dollars and a half for each copy; and said copies shall be distributed in the same manner as the law and chancery reports are now required to be distributed.

Copies, how distributed.

2. *And be it enacted*, That this act shall be a public act and shall take effect immediately.

Approved April 14, 1884.

CHAPTER CVII.

A Supplement to the act entitled "An act to authorize townships to employ police," approved February twentieth, A. D. eighteen hundred and eighty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the said act shall be and the same is hereby amended so as to read as follows:

[1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the inhabitants of any township in this state, at their annual meeting, or at any other meeting or meetings to be duly called and held for the purpose, to vote by ballot to authorize the employment, by the township committee, of one or more police officers for said township, and to fix and determine the amount to be expended for the services of such police officer or officers, who shall possess and have all the powers of constables, within the limits of the township, for the purpose of preserving the peace and enforcing the ordinances of the township, and who shall be and are authorized and empowered, upon view and without warrant, to apprehend and arrest any and all person or persons committing any breach or breaches of the peace within said limits, and any and all disorderly person or persons, and to bring said person or persons before any justice of the peace in said township, to be dealt with according to law.]

Inhabitants of township may vote to authorize the employment of police officers.

Determine compensation of.

Powers.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 14, 1884.

CHAPTER CVIII.

A SUPPLEMENT to an act entitled "An act constituting district courts in certain cities in this state," approved March ninth, anno domini one thousand eight hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all actions in any district court in this state upon bills of exchange, promissory notes or other written instruments, any of the parties to which are designated by the initial letter or letters, or some contraction of the christian or first name or names, it shall be sufficient in every affidavit to hold to bail, and

In certain actions parties may be designated by initial letters or contraction of name.

in the process to designate such party by the same initial letter or letters, or contraction of the christian or first name or names, instead of stating the christian or first name or names in full.

Holder of bill or note may include all parties liable thereon in one action.

2. *And be it enacted*, That the holder of any bill of exchange or promissory note, instead of bringing separate actions against the parties separately liable thereon, may include all or any of them in one action, and proceed to judgment and execution in the same manner as though all the defendants were joint contractors, subject, however, to the qualifications hereinafter provided.

Plaintiff to annex notice to state of demand, &c.

3. *And be it enacted*, That in every such action the plaintiff shall annex to the state of demand a notice containing a copy of the bill or note with the endorsements, and stating that the action is brought to recover the amount due thereon; but shall not recover judgment against any several drawer, maker, endorser or acceptor not served with process, and any joint drawer, maker, endorser or acceptor may prove in abatement the nonjoinder of any other joint drawer, maker, endorser or acceptor; but judgment may be obtained against joint contractors, some only of whom have been served with process, and such judgment shall have the same effect against the joint contractors as heretofore.

Against whom judgment obtained.

How judgment may be rendered.

4. *And be it enacted*, That in any such action judgment may be rendered for the plaintiff against some one or more of the defendants, and also in favor of some one or more of the defendants against the plaintiff, according as the rights and liabilities of the respective parties shall appear, either upon confession, default or trial; and any person sued shall be entitled to set off his demands against the plaintiff in the same manner as though such defendant had been sued in the form heretofore used; and when judgment shall be rendered in favor of any defendant, he shall recover his costs against the plaintiff in the same manner as though judgment had been rendered for all the defendants.

Entitled to set off.

If whole amount of set off equals or exceeds amount allowed to plaintiff to whom verdict to be in favor of.

5. *And be it enacted*, That if upon the trial of any such action, the whole amount of the set-off allowed shall equal or exceed the amount allowed to the plaintiff, then, in the first case, the verdict or judgment shall be in favor of the defendants generally, and in the last case for the

excess; and in all cases the verdict or judgment shall certify the amount allowed to each defendant as a set-off.

Rights and responsibilities of parties.

6. *And be it enacted*, That the rights and responsibilities of the several parties to any such bill or note as between each other, shall remain as heretofore, saving only the rights of the plaintiff, so far as they may have been determined by the judgment; and any one or more of the defendants shall be entitled to the testimony of any co-defendant as a witness in all cases where he or they would be entitled to his testimony had the suit been brought in the form heretofore used; and the plaintiff shall be entitled to the testimony of any defendant as a witness in all cases where he will be entitled to his testimony against the other parties to the bill or note had the suit been brought in the form heretofore used.

Proceedings when execution issues against goods and chattels in suit upon bill or note.

7. *And be it enacted*, That whenever an execution against goods and chattels shall issue in any such suit or action upon a bill or note as is hereinbefore provided, it shall be the duty of the constable, after making a levy upon the property liable to execution, to make the money out of property of the person or persons principally liable as between themselves for its payment, if it can be done before selling the property of the person or persons secondarily liable, and for the information of such officer, it shall be the duty of the clerk of said court, under and by the direction of the judge thereof, to endorse on the execution the order in which the defendants, according to the terms of the bill or note, are liable as between themselves for its payment; and if judgment be paid by a defendant or defendants secondarily liable as between themselves, it shall not be considered satisfied as against the defendant or defendants liable over on the bill or note to the defendant making such payment, but he shall have (on application to the said district court, giving two days notice thereof to the other parties to the judgment, and subject to such regulations as may be imposed) the full benefit and control of such judgment for the purpose of compelling repayment, and on this application the said court may order an issue to try the question in controversy.

Territorial jurisdiction of district court co-extensive with limits of county.

8. *And be it enacted*, That the territorial jurisdiction of every district court established under the act to which this is a supplement, shall be co-extensive with the limits

of the county wherein the city or cities are situated, in which district courts now are or may hereafter be established; and such jurisdiction shall extend to summary proceedings for the removal of tenants from the premises situate anywhere within such county in the manner provided for by the act to which this is a supplement; *provided*, that such extended jurisdiction in all cases shall not affect the right of appeal to the common pleas on matters of law or fact in cases where the defendant resides out of the limits where district courts now have exclusive jurisdiction.

Proviso.

Parties in a set-off may waive excess over certain sum.

9. *And be it enacted*, That in any suit in any district court in this state whether created by general or special statute, it shall be lawful for the plaintiff or for the defendant in a set-off to waive the excess over two or three hundred dollars, as the case may be.

Judge may order new trial in every case.

10. *And be it enacted*, That in every case tried in any of said courts the judge may, if he see fit, order a new trial to be had upon such terms as he shall think reasonable, and in the meantime stay proceedings.

When execution returned unsatisfied, clerk may issue alias or pluries execution.

11. *And be it enacted*, That when in any case an execution shall have been returned unsatisfied, it shall be lawful for the clerk of any district court, upon the demand of the plaintiff, to issue an alias or pluries execution, directed to any constable of any county in this state, so designated in the writ, which shall be executed and returned by the constable to whom it shall be delivered in the same manner as if it had been issued out of a court of competent jurisdiction in his county.

How executed.

12. *And be it enacted*, That this act shall take effect immediately.

Approved April 14, 1884.

CHAPTER CIX.

An Act to secure the observance of the annual arbor day in schools.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That, in order to secure the co-operation of the schools in carrying into effect the provisions of the joint resolution relative to the annual arbor day, it shall be the duty of the state superintendent of public instruction to prepare and issue such circulars of information and instruction as may be necessary. State superintendent to prepare circulars relative to annual arbor day.

2. *And be it enacted*, That on said annual arbor day appropriate exercises shall be introduced in all the schools of the state, and that it shall be the duty of the several county and city superintendents to prepare a programme of the exercises used on such day in all the schools under their respective jurisdiction. Exercises to be introduced in schools

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 14, 1884.

CHAPTER CX.

An Act authorizing repairs to the state arsenal.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of five thousand dollars be and the same is hereby appropriated for the purpose of making necessary repairs at the state arsenal, and such alterations as may be needed for the convenient transaction of business and proper storage for the mili- Appropriation for repairs and alterations at state arsenal.

Cost of repairs, &c.

tary property of the state, the cost whereof is not to exceed five thousand dollars, which said repairs and alterations shall be made under the direction of the governor and quartermaster-general, who are authorized to carry out the purposes of this act, and to contract for the making of such repairs and alterations in a manner to the best advantage to the state.

Payment of bills for labor, material, &c.

2. *And be it enacted*, That the comptroller of the treasury is hereby authorized to draw his warrants for the bills of labor, materials and all other expenses incurred under the provisions of this act; *provided*, the said bills are certified to by the governor and quartermaster-general.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 14, 1884.

CHAPTER CXI.

A Supplement to an act entitled "An act to establish a bureau of statistics upon the subject of labor, considered in its relation to the growth and development of the state industries."

Appropriation for current expenses.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the sum of three thousand dollars be and is hereby appropriated for the current expenses of said bureau.

Payment of.

2. *And be it enacted*, That the treasurer of this state is hereby authorized to pay, from any money not otherwise appropriated, the sum provided for in the first section of this act.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 14, 1884.

CHAPTER CXII.

An Act providing for the support of the state industrial school for girls.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the support and maintenance of the state industrial school for girls and for necessary repairs, the sum of six thousand dollars, be and is hereby appropriated, and the state treasurer is directed to pay the same on the warrant of the comptroller. Appropriation for support of school. Payment of.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 14, 1884.

CHAPTER CXIII.

An Act to provide for a standard time in the state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the standard time of the state of New Jersey shall be the time of the seventy-fifth meridian west from Greenwich, and that the time named in any of the statutes of this state and in public proclamations, in the rules and orders of the senate and general assembly, in the decrees and orders of the courts and in all notices and advertisements in any legal proceedings, shall be deemed and taken to be the standard time aforesaid. Standard time.

2. *And be it enacted*, That the time tables of all public

Time tables to conform to standard time.

conveyances within this state shall conform to the standard time aforesaid, and that the time named in any notice, advertisement or contract shall be deemed and taken to be the said standard time, unless it be otherwise expressed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 14, 1884.

CHAPTER CXIV.

AN ACT to empower fish wardens to enforce game laws.

Fish wardens empowered to enforce game laws on Sunday during certain months.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fish wardens of this state, now or hereafter to be appointed, as provided for in section three of a supplement to "An act to regulate fisheries," approved March fifteenth, one thousand eight hundred and seventy-one, shall, in addition to the duties now imposed upon them, be and they are hereby severally empowered and required, on view or information, to enforce the game or gunning laws on the Sabbath day, commonly called Sunday, within their respective counties during the months of July, August, September, October and November in each and every year, by arresting and prosecuting the offender or offenders with all the power and assistance they are now vested with in enforcing the fishing laws; they shall make an annual report, duly authenticated, to the board of chosen freeholders of their respective counties, and shall receive three dollars per diem for each day they are occupied in their special service as game wardens, to be paid by the county treasurer, on the order of the board of chosen freeholders.

To make annual report.

Compensation per diem as game wardens.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 14, 1884.

CHAPTER CXV.

An Act to authorize the sale and conveyance or lease of certain lands of the state of New Jersey, in the borough of Chambersburg, and county of Mercer.

WHEREAS, The state of New Jersey is the owner of certain lands situate in the borough of Chambersburg, and county of Mercer, adjoining the Delaware and Raritan canal; Preamble.

AND WHEREAS, The said lands are lying waste; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of the state be and is hereby authorized to execute to any purchaser or purchasers, a good and sufficient deed in the law conveying to such purchaser or purchasers all the right, title and interest of the state of New Jersey in, and to all or any part of the lands of the state, consisting of a vacant lot situate, lying and being in the borough of Chambersburg, county of Mercer and state of New Jersey, containing about eight acres of land, more or less; the consideration to be named in said deed or deeds from the state to any such purchaser or purchasers shall be the full and fair value of the right, title and interest of the state so conveyed, and which consideration and the terms of said deed or deeds shall be fixed and determined by the governor of the state, the comptroller and the state treasurer for the time being, or any two thereof of whom the governor shall be one. Governor authorized to excute conveyance to purchaser of certain lands of the state. Consideration. By whom determined.

2. *And be it enacted*, That instead of selling said land, it may or any part thereof may be leased by the governor for a consideration and upon terms agreed to by the governor, comptroller and treasurer of the state for the time being, or any two thereof, of whom the governor shall be one. Land may be leased.

3. *And be it enacted*, That the proceeds of the sale or lease of any lands under this act shall be paid into the Proceeds to be paid into state treasury.

state treasury and appropriated and used as provided by law for other moneys of the state fund.

4. *And be it enacted*, That this act shall take effect immediately.

Approved April 14, 1884.

CHAPTER CXVI.

An Act regulating lettings in cases where no definite term is fixed.

Unlawful for landlord to dispossess tenant before certain time without giving three months notice.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any letting where no term is agreed upon and the rent is payable monthly, so long as the tenant pays the rent as agreed, it shall be unlawful for the landlord to dispossess the tenant before the first day of April succeeding the commencement of such letting without giving the tenant three months' notice in writing, to quit; *provided, however*, that in case any such tenant shall be so disorderly as to destroy the peace and quiet of the other tenants living in said house or the neighborhood, or shall wilfully destroy, damage or injure the premises, or shall constantly violate the said landlord's rules and regulations governing said premises, in any such case the said landlord may pursue any of the remedies now provided by law for the removal or punishment of such tenant, this law to the contrary notwithstanding.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 14, 1884.

CHAPTER CXVII.

A FURTHER SUPPLEMENT to an act entitled "An act relative to the publication of the laws in the newspapers," approved April twenty-first, eighteen hundred and seventy-six.

Laws to be published in newspaper devoted to labor interests.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the laws authorized to be published in the newspapers, in accordance with the act to which this is a further supplement, shall hereafter be published in one newspaper in this state especially devoted to the labor interests, in addition to the number now authorized to publish the said laws, to be selected by the governor and comptroller.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 14, 1884.

CHAPTER CXVIII.

An Act to provide means to increase the fish production in the waters of this state.

Appropriation for propagating food fishes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of propagating and disseminating valuable food fishes in the waters of this state, there is hereby appropriated the sum of three thousand dollars, which shall be paid to the commissioners of fisheries of this state by the state treasurer, upon the warrant of the comptroller, drawn upon the requisition of the said commissioners, and which shall be

How expended. by them expended in defraying the cost of procuring, hatching and distributing valuable food fishes to stock the rivers, streams, lakes and ponds of this state; and for such other purposes as the said commissioners shall deem advisable to defray the expenses of restoring and increasing the fish production and promoting the fishing interest of the state.

2. *And be it enacted,* That this act shall take effect immediately.

Approved April 15, 1884.

CHAPTER CXIX.

An Act to defray the expenses of the commission appointed by the act entitled "An act for the appointment of a commission in relation to the question of oyster planting in the water of this state."

Appropriation to defray expenses of commission. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the sum of eleven hundred and fifty dollars and eighty-three cents, be and the same is hereby appropriated to defray the expenses of the commission appointed by the act entitled "An act for the appointment of a commission in relation to the question of oyster planting in the waters of this state."

To whom paid. 2. *And be it enacted,* That the treasurer of this state, be and he is hereby directed to pay the aforesaid sum to S. C. Jennings, upon the warrant of the comptroller.

3. *And be it enacted,* That this act shall take effect immediately.

Approved April 15, 1884.

CHAPTER CXX.

AN ACT concerning recognizances in criminal cases.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That hereafter all recognizances entered into in criminal cases before any justice of the peace or police justice authorized to take the same, shall be void unless signed by the recognizor or recognizors before the officer or officers taking the same. Recognizances in criminal cases to be signed by recognizor before officer taking the same.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed. Repealer.

Passed April 15, 1884.

CHAPTER CXXI.

An Act to provide for the storage of military stores and equipments in the possession of Companies B, C and D of the Sixth Regiment Infantry, Second Brigade, National Guard of the State of New Jersey.

WHEREAS, The quarters now occupied by the quartermaster and companies B, C and D of the sixth regiment infantry, second brigade national guard of the state of New Jersey, located in the city of Camden, are entirely inadequate for the proper and safe storage of military stores, arms and equipments in possession of said quartermaster and companies; Preamble.

AND WHEREAS, the annual appropriations to said companies are not sufficient to procure proper and safe quarters as contemplated by said companies; therefore, Preamble.

Additional appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the comptroller of the state of New Jersey be and he is hereby authorized to draw annually his warrant on the treasury in favor of the paymaster of the sixth regiment infantry, second brigade national guard of the state of New Jersey for the sum of one thousand two hundred dollars in addition to the appropriations now allowed by law.

2. *And be it enacted*, That this act shall take effect immediately.

Passed April 15, 1884.

CHAPTER CXXII.

A SUPPLEMENT to "An act relative to the publication of the laws of this state in the newspapers," approved April twenty-first, one thousand eight hundred and seventy-six.

Laws to be published in one newspaper in city, town or township having five thousand inhabitants.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the public laws of this state, passed at each session of the legislature, including the laws of the present session, shall be published in at least one newspaper in every city, town and township in this state (outside of the county seat), having a population of five thousand inhabitants by the census of one thousand eight hundred and eighty, said newspapers to be additional to the number now authorized to publish the laws, and to be designated by the governor and comptroller, subject to the same qualifications as now required by the act to which this is a supplement; *provided*, that in all legislative districts where one or more newspapers shall have been printed for at least two years, and in which no papers are now authorized to publish the laws, one such newspaper shall be designated by the governor and comptroller to publish the laws passed at each session of the legislature in each of such districts.

Proviso.

2. *And be it enacted*, That the rate of compensation shall be the same as that now allowed by law. Compensation.

3. *And be it enacted*, That this act shall take effect immediately.

Passed April 15, 1884.

CHAPTER CXXIII.

Supplement to an act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three of the act entitled "An act to secure to creditors an equal and just division of the estate of debtors who convey to assignees for the benefit of creditors," approved March twenty-seventh, one thousand eight hundred and seventy-four, (revision, page thirty-seven), be and the same is hereby amended to read as follows: Section amended.

[3. *And be it enacted*, That the said assignee or assignees shall forthwith give public notice, by advertising for three weeks successively, at least once in every week, in two of the newspapers printed in this state, circulating in the neighborhood where such creditors reside, and in one or more newspapers in any other state where it shall be known any creditor of the said assignor resides, making known thereby that such assignment has been made, and that the creditors present their claims under oath or affirmation, and the said assignee or assignees shall also forthwith exhibit to the surrogate of the county wherein such debtor or debtors reside, under oath or affirmation, a true inventory and valuation of said estate, so far as has come to his or their knowledge, and then and there enter into Assignee to give notice. Exhibit inventory.

Enter into bond, &c.

bond, to the ordinary of this state, in double the amount of the inventory and valuation, with sufficient surety for the faithful performance of said trust, which bond, inventory and valuation, being first filed in the surrogate's office, the said assignee or assignees may then proceed to sell said estate, and perform every other duty necessary to carry into effect the intention of said assignment, so far as respects the collection of debts and the sale of real and personal estate.]

Section amended.

2. *And be it enacted*, That section five of the act to which this is a supplement, (revision, page thirty-seven), be and the same is hereby amended to read as follows:

Assignee to file list of creditors.

[5. *And be it enacted*, That at the expiration of three months from the date of said assignment, the said assignee or assignees, shall file with the surrogate of the county wherein such debtor or debtors reside, at the time of making such assignment, a true list, under oath or affirmation, of all such creditors of said debtors as shall claim to be such, with a true statement of their respective claims, having first advertised for six weeks next preceding the end of said term, at least once in every week, in two of the newspapers printed in this state, and by putting up advertisements in five of the most public places in the neighborhood wherein such creditors or a majority of them reside, making known thereby that all claims against said estate must be made as hereinafter prescribed, or be forever barred from coming in for a dividend of said estate, otherwise than hereinafter provided, and in case of failure to file such list or give such notice, the orphans' court of said county may extend and fix the time for that purpose, not exceeding six months from the date of said assignment.]

Notice to be given.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 15, 1884.

CHAPTER CXXIV.

AN ACT to provide for the publication of the Manual of the Legislature of New Jersey.

Legislative manual what to be included in contracts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the "Manual of the Legislature of New Jersey" shall be, and is hereby declared to be the official hand-book and manual of the legislature of the state of New Jersey, and shall include in the contents of each volume the following: The constitution of the state of New Jersey, the rules of the senate, the rules of the house of assembly, the joint rules and orders of the senate and general assembly, a correct list of the members of the legislature of the session for which such volume is published, with their post-office addresses, a correct list of the several state officers, with the name of their office, their post-office address, the terms for which they are elected, and the date of the expiration of such terms; a correct list of the names of the chancellor, vice chancellors, chief justice and justices of the supreme court, the lay judges of the court of errors and appeals, their terms of office and the date of the expiration thereof; a correct list of the officers of each county, including the sheriff, coroners, county clerk, surrogate, county collector, register of deeds, law and lay judges, prosecutor of the pleas, with their several post-office addresses, terms of office and the date of the expiration of such terms; a list of the several state and county courts and the United States courts in and for this state, with the names of the judges, clerks, the place where held and the time of holding their several terms; the latest census of the state of New Jersey, taken under the authority of the United States, as well as the census of the state taken by and under the authority of the state, when the same is taken; the names of the president and

officers of the United States government, and the names and post-office addresses of the United States judges and other officers of the United States courts, &c., in this state; the election returns of the general election next preceding the meeting of the legislature for which such volume is published; a careful synopsis of all the annual reports of the state departments and institutions required by law to be submitted to the governor or legislature, as well as such other matter as the governor or legislature may from time to time direct to be published in said volume, or which the said compilers may see fit to publish, pertaining to the affairs of the state; *provided*, that no volume of said manual of the legislature of New Jersey shall contain less than two hundred pages, which shall be printed on good paper and bound in a substantial manner in cloth, and shall not exceed in price one dollar per copy.

Proviso.

Copies to be furnished the legislature.

2. *And be it enacted*, That one thousand copies of the "Manual of the Legislature of New Jersey" shall be furnished for the use of the legislature from year to year, at each session thereof; four hundred copies to be for the senate and six hundred copies for the house of assembly; and upon the delivery of the said number of copies of the said legislative manual, upon presentation of a receipt therefor from the sergeant-at-arms of the senate and house of assembly (which receipts, upon the delivery of the said copies, the said sergeant-at-arms are required to give) to the comptroller of the treasury, the said comptroller shall draw his warrant in favor of the compilers and publishers of the said legislative manual, for the price thereof, and the state treasurer shall therefor pay the same.

How paid for.

In case of change made in rules of legislature during session compilers to furnish copies free of cost.

3. *And be it enacted*, That in the event of any change in, or amendment being made to the rules of either branch of the legislature, or of the joint rules and orders of the senate and general assembly, or any of them during the session, it shall be the duty of the compilers and publishers of the said manual to print such change or amendment upon slips or in pamphlet form, as the case may require, and furnish one thousand copies of the same, in the proportion named in the second section of this act, to the legislature free of cost.

4. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall be a public act and go into effect immediately. Repealer.

Approved April 16, 1884.

CHAPTER CXXV.

An Act to fix the salaries of the door-keepers and gallery-keepers of the senate and general assembly.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the door-keepers and gallery-keepers of the senate and of the general assembly of this state, shall each be paid an annual salary of three hundred and fifty dollars. Annual salary.

2. *And be it enacted*, That this act shall take effect immediately, and shall apply to officers of the one hundred and eighth session of the legislature. Act to apply.

Approved April 16, 1884.

CHAPTER CXXVI.

An Act entitled "An act to fix the salaries of the clerk of the committee on engrossed bills, the document clerk and the assistant journal clerk of the house of assembly.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be paid to the clerk of the committee on engrossed bills of the house of assembly an annual salary of five hundred dollars, and to Annual salary.

the document clerk of said house of assembly an annual salary of three hundred and fifty dollars, and to the assistant journal clerk an annual salary of three hundred and fifty dollars, and that in no case shall any additional compensation be allowed or paid to either of said officers.

Act to apply.

4. *And be it enacted*, That this act shall take effect immediately and shall apply only to the one hundred and eighth session of the legislature.

Approved April 16, 1884.

CHAPTER CXXVII.

A SUPPLEMENT to an act entitled "An act respecting conveyances," (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

Power of appointment of foreign commissioners of deeds not limited to persons of male sex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the power vested by said act (to which this is a supplement), in the governor of this state, by and with the advice and consent of the senate, to name, appoint and commission "foreign commissioners of deeds for New Jersey," shall not be limited to the appointment of persons of the male sex, but such appointments may be of persons of either sex; and all words in said act, or any supplement thereto, referring to said commissioners as of the masculine gender, shall be understood to include and shall be applied to females as well as males.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 16, 1884.

CHAPTER CXXVIII.

An Act to repeal the first section of the act entitled "An act for the protection of fish," approved the twenty-fifth day of March, one thousand eight hundred and eighty-one.

Section repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of an act of the legislature of this state entitled "An act for the protection of fish," approved the twenty-fifth day of March, one thousand eight hundred and eighty-one, and which is as follows :

Section repealed recited.

1. [BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful to cast or draw any seine or net of a mesh of smaller size than four and one-half inches in the Delaware river above the foot of Trenton falls, between the first day of April and the fifteenth day of June in each year; and it shall not be lawful to cast or draw any seine or net in said river above the foot of Trenton falls, between the fifteenth day of June and the first day of November in any year, excepting small mesh nets used for the purpose of catching bait and known as minnow nets,] be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 16, 1884.

CHAPTER CXXIX.

AN ACT amending "An act to authorize the construction of school houses in cities of the first class of this state," approved February thirteenth, eighteen hundred and eighty-three.

Act amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to authorize the construction of school houses in cities of the first class," to which this is amendatory, shall be and the same is hereby amended so that it shall read as follows:

Authorities of certain cities to purchase land and erect school houses.

1. [BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporate authorities of the cities of the first class of this state, upon request by the board of education or other body having the charge of the public schools in such city of the first class, shall purchase lands and shall erect school houses thereon, and shall furnish the same from time to time, as the increase of population in any part of such city of the first class having the least school accommodations may demand; *provided, however*, that the expenses incurred in each year shall not exceed forty thousand dollars; *and provided, further*, that such expenditures shall be concurred in by the city board authorized by law to make appropriations for the expenses of the city government.

Proviso.

Proviso.

May raise funds for purpose of act by temporary loans.

2. *And be it enacted*, That to raise the funds for the purpose aforesaid, the corporate authorities of such city of the first class shall have power to raise money by temporary loans for a term not exceeding three years, and to meet such loan they shall include in the next annual tax levy one-third at least of the amount of such temporary loan with interest thereon, and in the second succeeding annual tax levy they shall include at least one-third of such amount with interest thereon, and in the third suc-

ceeding tax levy they shall raise any balance unpaid with interest, and as fast as such moneys shall come into the treasury of such city of the first class, they shall be applied to pay such temporary loan, and such loan shall be so obtained that it can be paid by installments with interest payable semi-annually.

May issue bonds or scrip to secure loan.

3. *And be it enacted*, That to secure such temporary loan, the corporate authorities may authorize the issue of temporary loan bonds or scrip, which shall bear such interest as may be agreed upon not exceeding the legal rate, to an amount not exceeding the expenditure to be incurred in each year.

Sinking fund.

4. *And be it enacted*, That such temporary loan bonds or scrip may be taken for the sinking fund of any such city of the first class, if the authorities having charge of such sinking fund shall so select, and if such bonds can be so taken, it shall be the duty of such authorities to so take them and the money raised by taxation, for the payment of the principal and interest, shall then be paid into the sinking fund.

5. *And be it enacted*, That this act shall take effect immediately.

Passed April 16, 1884.

CHAPTER CXXX.

An Act relative to the election of constables in townships of this state.

Number of constables to be elected hereafter in townships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all townships of this state, which, prior to the passage of an act entitled "An act relative to the election of constables," approved March twelfth, one thousand eight hundred and eighty, were by law entitled to elect as many constables as the number of justices of the peace which the several townships were respectively entitled to elect, shall hereafter elect such number.

Terms of constables.

2. *And be it enacted*, That the constables in the townships herein embraced shall be elected at the regular annual township elections, and for terms of three years; that in townships entitled to two constables, one shall be elected in the year one thousand eight hundred and eighty-five and one in the year one thousand eight hundred and eighty-six; that in townships entitled to three constables one shall be elected each year; that in townships entitled to four constables two shall be elected in one thousand eight hundred and eighty-five, one in one thousand eight hundred and eighty-six and one in one thousand eight hundred and eighty-seven; that in townships entitled to five constables, two shall be elected in one thousand eight hundred and eighty-five, two in one thousand eight hundred and eighty-six and one in one thousand eight hundred and eighty-seven; that in townships entitled to six constables, two shall be elected each year; and that in each succeeding year as many constables shall be elected as there shall be constables in said township whose terms shall in that year expire.

3. *And be it enacted*, That this act shall take effect immediately.

Passed April 16, 1884.

CHAPTER CXXXI.

A Supplement to an act entitled "An act to further define the duties of the fish commissioners of New Jersey," approved March twenty-seventh, anno domini one thousand eight hundred and seventy-four.

Fish commissioners to construct fishways in certain localities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the fish commissioners of the state of New Jersey, within six months from and after the passage of this act, to cause good and efficient fishways to be constructed in the

several dams spanning the Passaic river at Little Fall, at Paterson, and at or near the city of Passaic, known as the Dundee dam.

2. *And be it enacted*, That the said fishways shall be so constructed as to allow of the free and unobstructed passage of fish and eels, and the whole cost thereof shall not exceed the sum of five hundred dollars. To be constructed to allow free passage of fish, &c.

3. *And be it enacted*, That this act shall take effect immediately.

Passed April 16, 1884.

CHAPTER CXXXII.

A Supplement to an act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That whenever any railroad corporation, heretofore or hereafter organized under and pursuant to the provisions of the act to which this is a supplement, and of the acts amendatory thereof and supplementary thereto, may deem it expedient to abandon a part of their proposed line by reason of having made a connection with another railroad or consolidated with the same, and shall file or cause to be filed in the office of the secretary of state in writing and under its corporate seal, and attested by the president and secretary of said corporation, a formal notice of abandonment by said corporation of any part or portion of the route of the proposed railroad of said corporation, theretofore filed in said office of the secretary of state as required by law, it shall be the duty of the treasurer of the state of New Jersey, upon being notified by said corporation that such part or portion of the route of its said railroad had been Upon abandonment of line treasurer of state to refund or repay moneys deposited with him.

so formally abandoned, to repay to the said corporation out of the moneys by the said corporation theretofore deposited with the said treasurer as required by law, a sum equal to the sum of two thousand dollars for every mile, and a proportionate sum for any distance less than a mile, of its route so abandoned as aforesaid. And said corporation shall not thereafter extend, build or construct its said railroad over and upon the part or portion of the route so abandoned, without first filing a new survey and description of the said abandoned portion of its route in the office of the secretary of state and paying to the treasurer of this state a sum of money equal to two thousand dollars for every mile and a proportionate amount for any distance less than a mile, of the route so re-filed, said sums to be repaid to said corporation as now provided by law.

Companies not to build or construct road over line abandoned without filing a new survey, &c.

2. *And be it enacted*, That this act shall take effect immediately.

Passed April 16, 1884.

CHAPTER CXXXIII.

A Supplement to an act entitled "An act to authorize municipal coporations to contract for a supply of water for public uses," approved March fifteenth, one thousand eight hundred and eighty-one.

Bonds may be issued for expenses of laying pipes, erecting hydrants, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the powers given to any city or town council, or township committee or other governing body of any municipal corporation in this state, by whatever name such governing body may be called, in the act to which this is a supplement, said city, town or township to be supplied with water as in said act provided, may issue bonds to pay for the expenses of laying pipes, erecting hydrants and all other expenses in-

cidental to the introduction and use of water in said city, town or township or other municipal corporation in such sums as the common council or township committee respectively shall find necessary, not exceeding in the whole the sum of one-twentieth of the total assessed value of the real estate in such city, town or township, as such rate shall appear by the assessment for the year preceding the issue of such bonds; said bonds to bear interest at a rate not exceeding six per centum per annum, and be made payable at such period of time as the city, or town council, or township committee or municipal body may determine, but not exceeding thirty years from the date thereof, which said bonds may be sold for the best price that can be obtained for the same, but in no case at less than the par value thereof; said bonds shall be issued under the corporate seal of such municipal body and signed by the president or other head officer, and the treasurer of such city, town or township or other municipal corporation, which bonds when so issued shall be a lien upon the real and personal estate within the limits of the authority of said city, town or township or municipal corporation, the interest on said bonds shall be assessed, levied and collected upon the real and personal estate within such municipal corporation in the same way and in the same manner as other taxes are raised or levied in such city, town or township.

Bonds how issued and interest collected.

2. *And be it enacted*, That said city, town or township may supply the water to the inhabitants thereof upon such terms and at such rates as may be agreed upon by the governing body of such municipal corporation, and under such rates and regulations as such governing body may determine, and the money received from the sale of water shall be known as water rents, and after deducting therefrom such sums as may be necessary to defray the expenses of repairs, maintenance of such pipes and hydrants and extension of pipes and all other necessary expenses, shall be applied toward the creation of a sinking fund for the payment of the principal of said bonds as they shall from time to time become due and payable.

Supply of water how regulated.

Water rents after defraying expenses to be applied toward a sinking fund.

3. *And be it enacted*, That the commissioners of said sinking fund shall be composed of the head officer of said municipal corporation, the city or township treasurer and two commissioners, to be appointed by the common coun-

Who to constitute sinking fund commissioners.

cil or township committee of such city, town or township, and shall have the sole control and custody of such sinking fund; the commissioners of the sinking fund aforesaid, are hereby authorized to invest the money belonging to such sinking fund in bonds of the United States, and in the obligations of indebtedness authorized to be issued by such city, town or township under this act, and said commissioners shall, from time to time, as to them shall seem best, when they shall have funds, purchase the bonds to be issued under this act, and when so purchased, said bonds or obligations shall not be re-issued, but be immediately cancelled; *provided, however*, that said commissioners of said sinking fund shall not pay a greater sum than the par value, for said bonds or obligations, and said sinking fund commissioners, respectively, shall keep accurate accounts of said fund, in distinct and separate books of account, and shall annually make a full and detailed report of the condition and state of such fund to the city or town council or township committee of such city, town or township.

Authorized to invest moneys of the sinking fund.

Proviso.

Pipes may be laid in streets of adjacent towns, &c.

4. *And be it enacted*, That said city, town or township may lay its pipe or pipes in and through any public street or streets in any adjacent town or township, in order to carry out this act; *provided*, that the ordinary use of roads, streets and highways shall not be unreasonably interrupted during the laying of such mains and pipes, and that such roads, streets and highways shall be left in as good condition as when such work was begun.

Proviso.

Authorities may contract for supply of water.

5. *And be it enacted*, That it shall be lawful for any city, town or township of this state or the corporate authorities thereof, to make and execute a contract or contracts with the municipal authorities of any city of this state or with any aqueduct or water company having water works, for the supply and distribution of water for public and private use in any city, town or township of this state, which at the time of such contract shall not be supplied with water as aforesaid, by any municipal or private corporation.

Repealer.

6. *And be it enacted*, That all acts and parts of acts, public, general, special, local or private, inconsistent herewith, be and the same are hereby repealed, and this act

shall be deemed, taken and construed to be a general public act, and shall take effect immediately.

Approved April 17, 1884.

CHAPTER CXXXIV.

An Act respecting the office of commissioner of railroad taxation.

Preamble.

WHEREAS, The office of commissioner of railroad taxation, created by "An act to establish just rules for the taxation of railroad corporations, and to induce their acceptance and uniform adoption," approved April second, one thousand eight hundred and seventy-three, has been abolished by "An act for the taxation of railroad and canal property," approved April tenth, one thousand eight hundred and eighty-four;

AND WHEREAS, Certain duties were imposed upon the said commissioner of railroad taxation as member of the board of railroad commissioners by "An act providing for state taxes on railroads and the more efficient collection thereof," approved April thirteenth, one thousand eight hundred and seventy-six, which duties the interests of the state require to be performed notwithstanding the passage of the act entitled "An act for the taxation of railroad and canal property," approved April tenth, one thousand eight hundred and eighty-four; therefore,

Governor to appoint commissioner.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor shall appoint a responsible citizen of this state as commissioner of railroad taxation, who shall act as a member of the board of railroad commissioners established by "An act providing for state taxes on railroads and the more efficient collection thereof," approved April thirteenth, one thousand eight hundred and seventy-six, and shall per-

How long to continue in office and compensation.

form the duties imposed by that act upon the commissioner of railroad taxation; he shall continue in office until such matters as are now pending before said board or as are necessary and proper for their consideration shall be disposed of, and during such time he shall receive from the state treasury a compensation of five hundred dollars per annum.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 17, 1884.

CHAPTER CXXXV.

A further supplement to an act entitled "An act to regulate fisheries in the river Delaware and for other purposes," passed the twenty-sixth day of November, one thousand eight hundred and eight.

Penalty for destroying or damaging shad nets. And how recovered.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act no person shall by boat, anchor, dredge or otherwise, interfere with, brake, damage or destroy any drift net or gilling seine, lawfully used for the purpose of taking shad in the Delaware bay within the jurisdiction of this state, above a direct line from Arnold's Point to Ship John Light, between the fifteenth day of March and the first day of May in any year, under a penalty of fifty dollars for each and every offence with costs of suit, and shall pay the amount of damage done to such seine or net, all to be recovered by an action of trespass or debt by the party or parties aggrieved; *provided*, that if any such person shall prove any such interference, breaking, damage or destruction has been done accidentally upon waters or grounds where such person had prior right of occupancy, then no such penalty shall be imposed.

Proviso.

Passed April 17, 1884.

CHAPTER CXXXVI.

AN ACT relating to straightened or improved lines of railroad.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the president and directors of any railroad company to retain the possession and use, either in whole or in part, of any portion of the original railroad for which an improved or straightened line has been substituted, if in their opinion the abandonment of the said portion would be inconvenient or injurious to the interests of the public and of the railroad company; *provided*, that said portion of said original railroad for which an improved or straightened line has been so substituted and the use and possession of which, either in whole or part, the president and directors of said railroad have determined to retain shall be liable to be taxed in the same manner, and at the same rate of taxation as the real estate of individuals is taxed for municipal, county and state purposes in the same taxing district.

Companies may retain possession and use line of railroad abandoned.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Passed April 17, 1884.

CHAPTER CXXXVII.

A Supplement to an act entitled, "An act to limit the age and employment hours of labor of children, minors and women, and to appoint an inspector for the enforcement of the same," approved March fifth, one thousand eight hundred and eighty-three.

Title of inspectors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the title of the inspector under the act to which this act is a supplement, and the deputies hereinafter provided for, shall be respectively "factory and workshop inspector" and "deputy inspectors," and it shall be their duty to enforce the provisions of this act, and all other laws relating to the sanitary condition of factories and workshops, and to the employment, safety, protection and compulsory attendance at school of minors, and to institute all suits or actions in the name of the inspector as in the fifth section hereof provided for the violations of any of the provisions of this act, or the act to which this act is a supplement, but no action shall be begun by any deputy inspector without the written direction of the inspector, and in case of judgment for the penalty in any such suit so instituted, the same shall be paid into the treasury of the state, to be used to defray the necessary expenses of the inspector and his deputies.

Duties of inspectors.

Deputy inspectors how appointed, term of office, salary, &c.

2. *And be it enacted*, That the inspector appointed under the act to which this act is a supplement, and his successors, shall have authority to appoint, with the approval of the governor and comptroller, two suitable persons, who shall be residents and citizens of this state, as deputy inspectors, who, when appointed, shall hold office until the first day of February next, unless sooner discharged by the said inspector, and which deputy inspectors shall each receive, while acting as such, a

salary at the rate of one thousand dollars, to be paid monthly, and shall have like power as the inspector under this act, but shall be governed by and be subject to the control and direction of, and be liable to be discharged at any time by the inspector, and the salary of said inspector shall hereafter be eighteen hundred dollars, and said inspector and assistants shall have like right to free passage on all railroads in this state as other state officers now have by law.

Power of inspectors to prohibit employment of minors.

3. *And be it enacted*, That the inspector and his deputies shall have power to demand a certificate of physical fitness from some regular practicing physician in the case of minors who may seem to them physically unable to work, and shall have power to prohibit the employment of any minor that cannot obtain such a certificate.

Parents or guardians to furnish certificates or affidavits.

4. *And be it enacted*, That any parent or guardian, when so required by the inspector or one of his deputies, shall furnish to such inspector or deputy, a certificate from the office of registration of births, or in the absence of such certificate, an affidavit or affidavits of the age of such minor, and if anyone shall knowingly swear falsely in any such affidavit, the person or persons so swearing shall be guilty of perjury and liable to indictment and punishment accordingly.

Section to be amended.

5. *And be it enacted*, That section four of the act to which this is a supplement shall be amended to read as follows:

Section amended

[4. *And be it enacted*, That every manufacturer, merchant or other employer, employing any person contrary to the provisions of this act, or who shall be guilty of any violation hereof, shall be liable to a penalty of fifty dollars for each offence, to be recovered in an action of debt in any district court in any city, or before any justice of the peace having due jurisdiction, and that any parent or guardian, who knowingly permits the employment of such child or children, shall be liable in a like action to a penalty of not more than fifty dollars, as the court shall fix; that such action shall be prosecuted in the name of the inspector; the trial shall proceed as other actions of debt, and the first process shall be a summons returnable in not less than five days or more

than ten after issue, and it shall not be necessary to endorse the same as in qui tam actions; the finding of the court shall be that the defendant has or has not, as the case may be, incurred the penalty claimed in the demand of the plaintiff, and judgment shall be given accordingly; in case an execution shall issue and be returned unsatisfied, the court on application, after notice to the defendant, may award an execution to take the body of the defendant, and in case such a defendant is committed under such an execution, he shall not be discharged under the insolvent laws of the state, but shall only be discharged by the court making the order for the body execution, or one of the justices of the supreme court, when such court or justice shall be satisfied that further confinement will not accomplish the payment of the judgment and costs; an affidavit of the age of any minor made by its parent or guardian, at the time of its employment, shall be conclusive evidence of the age of such minor, upon any trial against a manufacturer or employer for the violation of this act, but any parent or guardian that shall knowingly swear falsely in such affidavit shall be guilty of perjury, and the inspector or deputy inspector shall be authorized in case they shall find any minor employed under any false affidavit given as aforesaid, to order and compel such minor to desist from work; the provisions of this act in relation to the hours of employment shall not apply to or affect any person engaged in preserving perishable goods in fruit-canning establishments.]

Section to be amended.

6. *And be it enacted*, That section six of the act to which this is a supplement be amended to read as follows:

Section amended.

[6. *And be it enacted*, That all necessary expenses incurred by said inspector in the discharge of his duty, shall be paid from the funds of the state, upon presentation of proper vouchers of the same; *provided*, that not more than one thousand dollars shall be expended by him in any one year.]

Repealer.

7. *And be it enacted*, That all acts or parts of acts inconsistent with this act, be and are hereby repealed.

8. *And be it enacted*, That this act shall take effect immediately.

Passed April 17, 1884.

CHAPTER CXXXVIII.

A Supplement to an act entitled "An act concerning bridges and turnpikes," approved March twelfth, one thousand eight hundred and seventy-eight.

Board of freeholders authorized to purchase turnpike roads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any turnpike road within the limits of any county of this state shall lead to or terminate at or near any bridge belonging in whole or in part to the county in which such turnpike road is situated, such turnpike road may be purchased and acquired by the board of chosen freeholders of said county in the manner prescribed by the act to which this is a supplement.

Board authorized to extend turnpike roads.

2. *And be it enacted*, That it shall be lawful for said board of chosen freeholders to extend said road to any point within the limits of said county by the adoption and appropriation of any other public road, the consent therefor having to be first had and obtained from the municipal authorities where such public road may be located.

3. *And be it enacted*, That this act shall take effect immediately.

Passed April 17, 1884.

CHAPTER CXXXIX.

A Further Supplement to an act entitled "An act relative to the publication of the laws of this state in the newspapers," approved April twenty-first, one thousand eight hundred and seventy-six.

Publication of public laws authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the public laws of this state passed at each session of the legislature shall be published in the newspaper known as the *New Jersey Coast Pilot*.

2. *And be it enacted*, That this act shall take effect immediately.

Passed April 17, 1884.

CHAPTER CXL.

An act providing for additional powers and certain changes in the government of certain localities governed by commissioners.

Board of commissioners to be legal voters.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all seaside resorts in this state governed by a board of commissioners, whether the same be chosen by the people or appointed by the supreme court, or however they may be selected, the elective members of such boards of commissioners shall be legal voters in such locality.

Election and term of office of officers.

2. *And be it enacted*, That there shall be elected by the legal voters in such place at each annual election for members of such boards of commissioners, which elec-

tion shall be held on the second Tuesday in May, one collector of taxes and one assessor, who shall hold office for the term of one year; the said collector of taxes shall enter in suitable books, to be kept for that purpose, the sums received by him for taxes respectively, with the names of the persons on whose account the same shall be paid each day.

Collector to act as treasurer, give bonds, &c.

3. *And be it enacted*, That the collector, who shall act as treasurer, shall give bonds satisfactory to the said board, possess the powers and perform the duties, and be subject to the same penalties as the collectors of the several townships in this state, and shall receive all moneys assessed in said place; and for said services he shall receive a yearly compensation not to exceed three hundred dollars and in addition thereto the costs accruing upon collection of delinquent taxes, and upon the receipt of the duplicate of assessment of taxes shall proceed in the collection thereof as is now required by law to be done by the collectors of the several townships of this state.

Powers, duties and compensation of assessors.

4. *And be it enacted*, That the assessor shall possess the same powers and perform the duties, in the same manner as the assessors in the several townships in this state; for which services he shall be paid at the same rate and in the same proportion as the assessors of the several townships in this state; and immediately after the first Monday in June in each and every year, shall proceed to make, and by the fifteenth of July following shall have made, a full and fair valuation, enumeration and assessment, of all the taxable, real and personal property, in such commission, according to law and the requirements of the ordinances of said board of commissioners, and on or before the first Monday in August shall deliver the duplicate of such assessment to the collector.

Officers to take oath.

5. *And be it enacted*, That the persons elected and those appointed to the several offices in such place shall, within twenty days after such election or appointment, take and subscribe an oath, before some officer authorized by the laws of this state to administer oaths, that they will faithfully perform the duties of said offices to which they are elected or appointed, and if any person elected or appointed to any office in such place shall not so qualify within said time, his office shall be deemed vacant.

On failure office deemed vacant.

Vacancies in office how filled.

6. *And be it enacted*, That in case of vacancy in any elective or appointive office in such place occasioned by death, resignation, inability, disqualification, removal from office or neglect, or refusal to act or other cause, it shall be lawful for the said board to appoint others in their stead to fill such offices for the unexpired term thereof.

Appointment term of office, &c., of clerk.

7. *And be it enacted*, That there shall be a clerk of such board to be hereafter called the clerk of the commissioners, who shall be appointed by the said board; he shall hold office for the term of one year and be removable from such office by the said board for cause at any time; that the clerk of the commissioners shall also be clerk of the police court and shall exercise and perform the same duties and powers as the clerks of courts of record in this state, and that said clerk in connection with his other duties shall make and publish a statement of the receipts, disbursements and financial condition of such commission in the months of November and April of each and every year, and shall give bond with sufficient sureties to be approved by the board of commissioners, conditioned, that he will faithfully perform the duties of such offices of clerk, and will account for all moneys received by him as such clerk; he shall receive for his services a yearly salary, to be fixed by the board of commissioners, not to exceed the sum of five hundred dollars.

Duties of clerk.

Appointment powers and duties of police justice.

8. *And be it enacted*, That there shall be a police justice of such place who shall be appointed by the board of commissioners and shall hold office for the term of one year, removable from such office by the board of commissioners for sufficient cause at any time; he shall have, use and exercise the like authority and jurisdiction, with the like procedure in all criminal matters and complaints arising in such place, as the justices of the peace in and for the several counties of this state are or may be by law entitled to have, use and exercise, and said police court shall be a court of record; he shall be empowered on oath or affirmation filed in his office that any person or persons has or have violated any of the ordinances of such board to issue process, either a warrant or summons, as the case may require, against the person or persons so charged returnable at the same time and in the same manner as like process is returnable in the justices courts

of this state; such process shall state the ordinance or ordinances violated, the time or times when the same were violated and in what manner, and he shall hear and determine such complaints, and if such person or persons so charged be adjudged guilty, shall issue execution in accordance with the ordinances of such board in such case made and provided; the clerk shall pay over to the treasurer, all fees, fines and other moneys by him received and collected as clerk of the police court, and said police justice shall receive for his services a yearly salary to be fixed by said board, not to exceed the sum of six hundred dollars.

Compensation.

9. *And be it enacted*, That policemen may be appointed by the board of commissioners, who shall, in addition to the authority conferred upon them by the ordinances and regulations of such board or such place, or any special or general law applicable to such place, have, possess and exercise all the powers of constables in this state.

Policemen to possess powers of constables.

10. *And be it enacted*, That such place shall have the same election officers as the several townships in this state, who shall conduct the elections of such place on such day or days fixed for the same in the same manner and under the same regulations as prescribed by law for state elections in townships or election precincts for members of the legislature, such election officers shall receive for their services the same compensation as is now fixed by law to be paid to the election officers of the several townships in this state for the like services.

Election officers and election how conducted.

11. *And be it enacted*, That the board of commissioners shall have power to raise, by tax, such sum or sums of money as it may deem necessary and expedient for the purpose of carrying on such board and the government of said place; *provided*, that the rate of taxation in any one year shall not exceed the proportion of three dollars on one thousand dollars of the valuation of the real and personal property in such place; to borrow money and negotiate temporary loans in anticipation of taxes for any current year not exceeding in amount ten thousand dollars; and for payment for any public improvement not exceeding the amount of the specific assessment for such improvement; and such temporary loans shall be paid within the current year in which such loans are made.

Powers of board of commissioners to raise money by tax.

Proviso.

Board authorized to establish ordinances and regulations.

12. *And be it enacted*, That the board of commissioners may from time to time establish such ordinances and regulations as it may deem necessary and advisable for the security, health, government and protection of such place and its inhabitants; it may require railroad companies, the tracks of which extend across any of the streets or avenues of such place to keep flagmen at the principal streets which will be sufficient protection to travelers against danger from passing trains; it may regulate the widening, leveling, grading, watering, flagging and reflagging, curbing and recurbing, guttering and regguttering, paving and repaving, and graveling of the sidewalks and gutters in such commission; the laying of drains and construction and maintenance of sewers and culverts in any of the streets, avenues, highways or sections thereof in such commission; it may prescribe the manner in which any such work shall be performed and the mode in which the expense thereof shall be ascertained, and may cause such expense or any portion thereof not exceeding the special benefit to be assessed, in just and equitable proportions, on the property benefited in proportion to the benefit received whether improved or unimproved, no assessment upon any property to exceed the special benefit thereto, and determine the time and manner in which such assessment shall be collected; it may provide for the watering or sprinkling of the streets, highways and avenues of such commission; prescribe the manner in which such work shall be performed and the mode in which the expense thereof shall be ascertained and may cause such expense, or any portion thereof, to be assessed in just and equitable proportions upon the owners of lands fronting on such street, highway or avenue, whether improved or unimproved, according to the relative values of such lands; it may establish and regulate one or more pounds in such place; restrain and regulate the running at large of horses, cattle, swine and other animals, geese and other poultry, and authorize the impounding and sale of the same for the penalty incurred, and the costs of keeping and impounding and sale.

Powers to lay out, open, widen and vacate streets, &c.

13. *And be it enacted*, That it shall be lawful for the board of commissioners, whenever in their opinion the public good requires it, by ordinance, to lay out and

open any street, road, highway or alley, within said district; to order and cause any street, road, highway or alley, already laid out to be vacated, straightened, altered or widened; and to take and appropriate for such purpose any lands and real estate upon making compensation to the owner or owners thereof.

Township committees to pay over money assessed and collected for road purposes to board of commissioners.

14. *And be it enacted*, That no township committee of the township in which such place shall be situated shall have authority to supervise the expenditure of any money assessed and collected in such place, for road purposes, but the same when collected shall be immediately paid over by the township collector to the treasurer or proper custodian of the moneys of such board, to be by them expended on the streets in such place, under the direction of the street commissioner or board of commissioners, whether such street shall have been laid out by surveyors of the highway, by ordinance of the commissioners or otherwise, or shall have been dedicated to the use of the public.

County clerk to pay over all money received for licenses to treasurer of board of commissioners.

15. *And be it enacted*, That when any license or licenses shall be granted by the court of common pleas of any county in which such commissioners are situate, to keep an inn or tavern, or saloon for the sale of malt liquors in such commissions, the money received by the clerks of such counties for granting such licenses shall be paid over by the clerks of such counties to the treasurer of such board for the use of such board and place.

16. *And be it enacted*, That all acts and parts of acts, general, special, local or otherwise, inconsistent with the provisions of this act, be and the same are hereby repealed.

17. *And be it enacted*, That this act shall take effect immediately.

Passed April 17, 1884.

CHAPTER CXLI.

An Act concerning township ordinances.

Passage of ordinances.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not hereafter be lawful for the township committee of any township to introduce and finally pass at a single meeting of such township committee any ordinance which by law it is now, or hereafter may be, authorized to pass; but every ordinance that shall be introduced at any meeting of such township committee shall lie over and shall not be finally passed except at a meeting subsequent to that at which it shall be introduced.

Ordinance to be engrossed by clerk.

2. *And be it enacted*, That all ordinances that have heretofore been passed, and all ordinances that shall hereafter be passed, by any township committee, shall be engrossed by the township clerk, in a book to be provided for that purpose, with a proper index, which book shall be deemed a public record of such ordinances, and shall be and remain in the custody of the township clerk.

Certificate to be entered by the clerk.

3. *And be it enacted*, That at the foot of the record of each ordinance that has heretofore been passed by any township committee, the township clerk shall enter a certificate of the following or like effect; "I hereby certify that the foregoing is a true copy of an ordinance now on file in my office. Dated A. D. 1884.

Form of.

A. B., township clerk."

Ordinance to be signed by chairman and clerk.

4. *And be it enacted*, That each and every ordinance that shall hereafter be passed by any township committee shall be signed, in the said book of the record of ordinances, by the chairman of the township committee and the township clerk.

Ordinance to be published in newspaper.

5. *And be it enacted*, That every ordinance hereafter passed as aforesaid shall be published for five days in a newspaper, printed and circulating in such township, or if none be printed in such township, then in a newspape

printed in the county and circulating in such township, and until such ordinance shall have been so published as aforesaid, the same shall be of no effect.

Book of record and copy to be received as evidence in all courts.

6. *And be it enacted*, That the said book of the record of ordinances shall be taken and received in all courts as evidence of said ordinances, and that copies of said ordinances certified by the township clerk under the corporate seal of the township shall likewise be taken and received in all courts as evidence of said ordinances, and that the publication of said ordinances in a newspaper as herein required shall in all cases be presumed to have been made until the contrary shall be proved.

7. *And be it enacted*, That this act shall take effect immediately.

Approved April 17, 1884.

CHAPTER CXLII.

A Further Supplement to an act entitled "An act to authorize and regulate the business of banking," approved April ninth, eighteen hundred and seventy-five.

Directors with consent of two-thirds of owners of stock may execute certificate of distribution.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any banking association, organized and doing business under the laws of the United States, shall be authorized to dissolve its organization as such national banking association under the provisions of any act of congress, and shall have taken the action required to effect such dissolution, it shall be lawful for a majority of the directors of such dissolved organization, upon the authority in writing of the owners of two-thirds of its capital stock, to execute the certificate of association required by section two of the act to which this is a supplement.

2. *And be it enacted*, That upon the execution and proofs of acknowledgment of such certificate as required

Upon execution and recording of certificate banking association held to be incorporated.

by section two aforesaid, which certificate shall further declare the authority derived from the stockholders pursuant to the provisions of the preceding section, and a copy thereof recorded in the office of the secretary of state, with proof that the original is duly recorded in the office of the clerk of the county where the office or place of business of such association shall be established, such association shall be held and regarded as a banking association under and in pursuance of the laws of this state, and shall be entitled to all the privileges and be subject to all the liabilities of such banking associations; and thereupon all the assets, real and personal, of the said dissolved national banking association shall immediately, by act of law, and without any conveyance or transfer, be vested in, and become the property of such state banking association; and the directors of the dissolved organization at the time of such dissolution shall be the directors of the association created in pursuance hereof, until the first annual election of directors thereafter, and shall have power to take all necessary measures to perfect its organization, and to adopt such regulations concerning its business and management, as may be proper and just, and not inconsistent with the banking laws of this state.

Assets to vest in new corporation.

Directors.

Stockholder not consenting to change may receive full value of stock.

3. *And be it enacted*, That when any national banking association has complied with all the requirements of the laws of this state regulating the formation of banking institutions as aforesaid, any stockholder who may not have consented to become a stockholder in such state bank, and who has given notice in writing to the directors within sixty days from the date of the record of the certificate of organization in the office of the clerk of the county where such bank may be located, of his or her desire to withdraw from said association, shall be entitled to receive from the said bank the full value of the stock held by him or her at the time of such transfer; and in case the board of directors of such bank either by its officers, agent, or attorney, cannot agree with such stockholder for the price to be paid him or her for such stock, it shall be lawful for such bank, upon ten days' notice in writing to such stockholder, to make application to any justice of the supreme court for the appointment of three

Proceedings in case directors and stockholders cannot agree as to price of stock.

disinterested and impartial commissioners to make an estimate and appraisement of the value of such stock; and such commissioners having taken an oath or affirmation fairly and honestly to make such appraisement according to the best of their skill and understanding; and having caused notice in writing to be given to such stockholder, for at least five days, of the time and place of their meeting to make said appraisement, shall proceed to make the same; and when so made in writing and signed by said commissioners, or a majority of them, the same shall be conclusive and final; and the amount so appraised shall be deemed a debt due from said bank to said stockholder, and shall draw interest until paid or tendered to said stockholder, or to his or her lawful representatives; and the stock so appraised shall, upon such appraisement being made and signed as aforesaid, become the property of said bank, to be sold or disposed of, or held, as the board of directors may elect.

Act how construed as to issue of notes and deposit with state treasurer.

4. *And be it enacted*, That nothing in the banking laws of this state shall be construed as requiring any banking association to issue circulating notes and deposit with the treasurer of this state, public stocks or any of the securities provided for by said banking laws for the redemption of circulating notes, unless said association shall make the request provided for in section nineteen of the act to which this is a supplement; but should such request be made, and in pursuance thereof the treasurer issue circulating notes to such banking association, then in every such case it must be in pursuance of the laws of this state regulating and permitting their issue.

(4). *And be it enacted*, That this act shall take effect immediately.

Approved April 17, 1884.

CHAPTER CXLIII.

A supplement to an act entitled "An act concerning idiots and lunatics," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Chancellor may dissolve partnership when a member shall become a lunatic.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where a person, being a member of a co-partnership firm, is or shall become a lunatic (and is duly adjudged to be such by an inquest issued out of the court of chancery), the chancellor may, by order made on the application of the partner or partners of the lunatic, or of such other person or persons as the chancellor shall think entitled to require the same, dissolve the partnership: and thereupon, or upon a dissolution of the partnership by decree of the court of chancery, or otherwise by due course of law, the guardian of the estate of said lunatic, in the name and on behalf of the lunatic, may join and concur with such partner or partners or such other person or persons in disposing of the partnership property, as well real as personal, in such manner and to such person or persons, and upon such terms as the chancellor shall order and direct, and may execute and do all such conveyances and things for effectuating this present provision as the chancellor may order and direct, and shall apply and dispose of the money or property received for, from or on account of the lunatic's share and interest in the co-partnership, as the chancellor shall order and direct.

Guardian of lunatic may concur and join with partner in disposing of property.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 17, 1884.

CHAPTER CXLIV.

A Supplement to an act entitled "An act for the more easy partition of lands held by coparceners, joint tenants and tenants in common," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Liens of creditors not affected by partition of premises.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That it shall not be necessary in the first instance to make any creditor having a lien on any real estate whereof a partition is sought in the court of chancery, or any part thereof, by judgment, decree, mortgage or otherwise, a party to the proceedings, nor shall the partition of the premises alter, affect or impair the lien of such creditors, except in the cases provided for in the next section.

Liens on undivided interest a charge only on state assigned.

2. *And be it enacted*, That where the lien is on the undivided interest or estate of any of the parties, such lien, if partition be made of the premises, shall thereafter be a charge only on the share assigned to such party, and such share shall be first charged with its just proportion of the costs of the proceedings in partition in preference to any such lien.

Lien creditors may be made parties to proceedings.

3. *And be it enacted*, That the complainant in any such suit in partition may at his or her election make every creditor having a lien on the undivided interest or estate of any of the parties, by mortgage, judgment, decree, devise or otherwise, a party to the proceedings, and in such case the bill shall set forth the nature of such lien or incumbrance.

When court may order bill amended to make lien creditors a party. to proceedings.

4. *And be it enacted*, That before the making of any order for the sale of the premises where the creditors having liens shall not have been made parties, the court, on the motion of either party shall direct the complainant to amend his or her bill of complaint by making every creditor having a lien on the undivided interest, share or estate of any of the parties by mortgage, judgment, decree, de-

vise or otherwise a party to the proceedings; and may thereupon by an order of reference for that purpose direct a master of the court to ascertain and report whether the shares or interests in the premises of the parties in such suit, or any of them, are subject to any lien or incumbrance by mortgage, devise, judgment or decree, or otherwise, and if so, to what liens or incumbrances, and by whom they are held.

Proceeds of sale to be paid into court.

5. *And be it enacted*, That if it shall appear by the proceedings in the suit or by such report that there are any existing liens or incumbrances upon the estate, share or interest in the premises of any party named in the proceedings in said suit the court shall if it order sale, in the decree for sale direct the master or commissioners, as the case may be, to bring into the court of chancery and pay to the clerk thereof the portion of the moneys arising from the sale of the estate, share and interest of said party after deducting the portion of the costs, charges and expenses to which it shall be liable.

Proceedings in case parties in interest apply to court for moneys claimed.

6. *And be it enacted*, That any party in interest, either owner or incumbrancer may apply to the court to order such moneys or such part thereof as he shall claim to be paid to him; which application shall be accompanied by his affidavit stating to the best of his knowledge, information and belief, the true amount actually due on each incumbrance, the owner of such incumbrance, and his residence, so far as known to such party; and it shall be also accompanied by proof, by affidavit of the due service of a notice on each owner of any incumbrance, and on the owner of the share if the notice be given by an incumbrancer of the intention to make such application; if such owner reside in this state, the notice shall be a fourteen days notice at least, and shall be served personally, or if he be absent from his residence by leaving a copy there, with some person of over the age of fourteen years; if the person to be notified reside out of this state such notice shall be served on him or her personally, twenty days previously to the time named therein for making the application or by publishing the same in a newspaper (to be designated by the court) published in this state for four weeks successively, at least once in every week, and mailing a copy thereof to his address (if

it can be ascertained) at least twenty days before the time named for the application.

Courts to hear proofs, &c., and make order.

7. *And be it enacted*, That upon such application and proof of notice being made, the court shall proceed to hear the proofs and allegations of the parties, and make such order thereupon as the circumstances of the case may require.

Distribution of moneys to creditors how made.

8. *And be it enacted*, That when the amount of existing incumbrances shall have been ascertained, the court shall proceed to order a distribution of the moneys so brought into and remaining in court, among the several creditors having such incumbrances, according to the priority thereof respectively, and the other persons, if any, entitled thereto.

Clerk or other officer to procure satisfaction of claims.

9. *And be it enacted*, That the clerk or other officer of the court by whom any such incumbrance shall be paid off shall procure satisfaction thereof to be acknowledged in the form required by law, and shall cause such incumbrance to be duly satisfied or cancelled of record, and shall defray the expenses thereof out of the portion of the moneys in court belonging to the party by whom such incumbrance was payable, if there be enough for the purpose, but if not, then out of the money due the incumbrancer.

Proceedings not to affect other parties to suit.

10. *And be it enacted*, That the proceedings to ascertain and settle the amount of incumbrances as herein provided, shall not affect any other party in such suit for partition, nor delay the paying over or investing of moneys to or for the benefit of any party except the one upon whose share in the premises the incumbrances are.

Conveyances to be recorded and to bar persons interested in premises.

11. *And be it enacted*, That any conveyance executed in pursuance of sale in partition under proceedings in partition in the court of chancery under and in pursuance of the provisions of this act, shall be recorded in the county where the premises are situated, and shall be a bar both in law and equity against all persons interested in such premises in any way, who shall have been parties in the said proceedings, and against all other persons claiming by, from or under such parties or either of them.

Proceedings pending not invalidated.

12. *And be it enacted*, That proceedings in partition which may be pending when this act goes into effect shall not be invalidated thereby, but any proceedings to be had

upon any suit already commenced or hereafter to be brought after this act shall take effect shall be conducted according to the foregoing provisions.

13. *And be it enacted*, That this act shall take effect immediately.

Approved April 17, 1884.

CHAPTER CXLV.

An Act authorizing the publication of all legal advertisements and other notices in certain newspapers in this state which have been published for at least one year.

Notice or advertisements may be published in certain newspapers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, it shall be lawful for any court or county officer to publish any notice or advertisement, now required by law to be published in any newspaper in this state, in any Sunday newspaper which has been published in such county for the period of at least one year; and such publication shall be as valid and legal as if the same had been made in any newspaper of this state now authorized by law to publish such notices or advertisements.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 17, 1884.

CHAPTER CXLVI.

AN ACT to provide for the purchase and distribution of Dickinson's forms and practice of the orphans' courts and prerogative court, for the use in the state and the several counties thereof.

State treasurer authorized to purchase and distribute Dickinson's forms, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be and he is hereby authorized and directed to purchase for the use of the state five hundred copies of Dickinson's forms and practice of the prerogative and orphans' courts of New Jersey to be distributed in same manner as the law and equity reports are by law distributed, and also that one copy be furnished to each of the judges of the orphans' court and to each surrogate for use in his office; *provided*, that the price to be paid for each copy shall not exceed five dollars.

Proviso.

2. *And be it enacted*, That the said treasurer shall pay for said work when furnished on the warrant of the comptroller out of any moneys in the treasury not otherwise specially appropriated.

Approved April 17, 1884.

CHAPTER CXLVII.

An Act providing for the review of convictions and judgments for contempt of court.

Conviction and judgments for contempt by whom reviewed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter every summary conviction and judgment by any court inferior in its juris-

diction to the supreme court, except an orphans' court, for a contempt against its own dignity, peace or good order, shall be reviewable both upon the law and the facts by the supreme court; and every such conviction and judgment by any orphans' court shall be reviewable in the same way and manner by the prerogative court.

When petition on proceedings to be certified to supreme or prerogative court

2. *And be it enacted*, That every such conviction and judgment shall upon the petition of the person or persons convicted, signed by at least two counsellors at law, be by the court wherein such conviction is had, immediately certified and sent to the supreme court, or to the prerogative court, as the case may require, to which the same shall be certified and sent, together with the petition of appeal and all proceedings touching the conviction and judgment, and which said court shall be invested with jurisdiction and required to re-hear the matter of contempt upon which the conviction was founded, both upon the law and upon the facts, which shall be inquired into and ascertained by depositions or in such other way or manner as the court above shall direct; and it shall be required to give such judgment in the premises as to it shall seem to be lawful and just under all the circumstances of the case, to be enforced in such way and manner as it shall order and direct; and that upon the person appealing giving to the clerk of the court in which such conviction shall take place, a good and sufficient bond for the due performance of the judgment of the court above, approved by any one of the justices of the supreme court of this state, the appeal shall suspend the judgment and supersede all further proceedings in the court below to enforce the same until otherwise ordered by the court above; and upon the breach of the condition of any such bond so given, it shall be the duty of the prosecutor of the pleas of the county in which it is given, to prosecute the same to effect, in the name of the clerk, and pay the proceeds to the county collector, to be distributed by him according to law.

Court invested with jurisdiction and to give judgment.

Duty of prosecutor of pleas.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 17, 1884.

CHAPTER CXLVIII.

An Act to prevent the discharge or escape of sludge acid into or upon the waters of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall be unlawful for any person, persons, corporation or corporations to permit the discharge or escape, directly or indirectly, of such refuse or residuum, resulting from the refining of petroleum, as is commonly called "sludge acid," into or upon any river, stream, water-course, lake, pond or other body of water, or any tidal waters within or bordering upon this state; and every violation of this act shall constitute a public nuisance and shall be punishable as such. Unlawful to permit or discharge "sludge acid" in streams.

2. *And be it enacted*, That every person, persons, corporation or corporations violating, or whose servants or agents shall violate this act, in addition to the penalty indicated in section one of this act, shall forfeit and pay the sum of one thousand dollars for each violation of this act which shall be proved, to be recovered in any court of competent jurisdiction by any person who shall sue for the same, one-half of said penalty to go to such person so suing therefor and the other half to go to the state. Penalty for violation of act.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 17, 1884.

CHAPTER CXLIX.

AN ACT for the preservation of the health of female employees employed in manufacturing, mechanical and mercantile establishments.

Suitable seats to be provided for use of female employees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person or corporation employing female employees in any manufacturing, mechanical or mercantile establishment in this state shall provide suitable seats for the use of the female employees so employed, and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed.

Penalty for violation of act.

2. *And be it enacted*, That a person or corporation violating any of the provisions of this act shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars for each offence.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 17, 1884.

CHAPTER CL.

An Act relating to newspapers.

Newspapers when deemed legal.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any newspaper that has been published in the state for a period of twelve months consecutively, shall be deemed a legal newspaper of the state for the purpose of the publication of legal notices.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 17, 1884.

CHAPTER CLI.

An Act to authorize the managers of the state lunatic asylum to purchase additional land.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the managers of the state lunatic asylum at Trenton, be and they are hereby authorized to purchase, for the purpose of securing more efficient drainage for the use of the asylum, and in the name of the state to take title to so much additional land adjoining that now owned by the state, as the board of managers may, in their discretion, deem advisable; *provided*, that no purchase shall be made except by the consent of the majority of the whole board of managers and with the approval of the governor, comptroller and treasurer of the state. Managers authorized to purchase lands. Proviso.

2. *And be it enacted*, That the said managers, be and they are hereby authorized to pay for the land so purchased by them out of any surplus money now on hand or that may accrue from the ordinary income of the asylum. Managers to pay for land out of surplus moneys.

3. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved April 17, 1884.

CHAPTER CLII.

An Act to prevent cattle pasturing or running at large in the streets or highways in the townships.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any

Cattle, sheep, &c., found running at large may be impounded.

person to drive or convey to the public pound of the townships, any cattle, sheep, horses or swine found pasturing upon or running at large in the streets or highways of any township, and impound the same, and the keeper of the public pound in the said township is required to receive all such cattle, sheep, horses or swine, under a penalty of ten dollars, to be recovered in an action of debt, in any court of competent authority, by any person prosecuting for the same, for his own use and benefit, for each infraction of this act; the keeper shall have twenty cents per head for letting in, and fifteen cents per head for letting out of the pound, and for feeding and keeping while in the pound, twenty-five cents per head, for each day or part of a day they shall continue in said pound; and if the owners of said cattle, sheep, horses or swine so impounded, shall not pay the charges for impounding and keeping the said cattle, sheep, horses or swine, within five days after the same shall be impounded and take the same away, it shall be the duty of the said pound keeper to sell the same, giving at least five days' notice of such intended sale, by setting up in three or more public places in such township, and if the owner shall not redeem the same before the time so notified, then the pound keeper shall sell the same accordingly, and out of the money arising from such sale, shall pay the charges of conveying to and letting in the pound, keeping and feeding the same, and one dollar for advertising and selling the same, and pay the surplus to the owner or owners of said cattle, sheep, horses or swine, if they shall appear and claim the same within six months after such sale, and if the owner or owners shall not appear within six months as aforesaid, then to the overseer of the township for the use of the poor of said township.

Keeper of public pound to receive.

Fees of keeper of pound.

Fees for bringing cattle, sheep, &c., to pound.

2. *And be it enacted*, That for bringing said cattle, sheep, horses or swine to the pound, the party bringing the same shall receive twenty-five cents per head from the pound keeper, to be by him collected from the owner in the same manner as fees provided for in section one.

Penalty for interfering with any person taking or driving animals to pound.

3. *And be it enacted*, That if any person whether having charge of any cattle, sheep, horses or swine, pasturing upon or running at large in any such street or highway, attempt to hinder or take away such cattle, sheep, horses

or swine, from any person taking or driving or attempting to take and drive them to the pound, he shall be liable to a penalty of ten dollars, to be recovered in an action of debt, in any court of competent jurisdiction, by any person prosecuting the same for the use of the person so prosecuting; *provided*, that nothing in this act shall be so construed as to debar any person from driving any cattle, sheep, horses or swine, along and over such streets and highways to or from pasture, or in any lawful way using such street or highway for the purpose of driving over the same. Proviso.

4. *And be it enacted*, That all acts and parts of acts, whether general or special, inconsistent with the provisions of this act be, and the same are hereby repealed, and that this act shall go into effect immediately. Repealer.

Approved April 17, 1884.

CHAPTER CLIII.

An Act to further extend the times before or within which the state assessment or other sum required to be paid into the state treasury, by virtue of the provisions of the act entitled "An act to increase the revenues of the state of New Jersey," approved March sixth, one thousand eight hundred and fifty-eight, and the supplement thereto, approved March eighteenth, one thousand eight hundred and fifty-nine, or any subsequent act, may be paid, and to remit, release and extinguish any conditions, penalties or forfeitures heretofore provided for, incurred or proclaimed by reason of, or in case of the non-payment of any assessment or sum aforesaid, required by virtue of the provisions of said acts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time limited by the Time limited for payment of state assessment extneded.

provisions of said act, approved March sixth, anno domini one thousand eight hundred and fifty-eight, and the supplement thereto, approved March eighteenth, anno domini one thousand eight hundred and fifty-nine, or by any subsequent act, within or before which the state assessment or sum mentioned in said act and supplement, or any subsequent act, were required to be paid, be and the same are hereby further extended until the expiration of fifteen days next after the passage of this act.

Forfeiture of charter for non-payment of state assessments remitted.

2. *And be it enacted*, That the forfeiture of the charter of any corporation of this state and the penalty incurred by proclaiming the same to be inoperative and void, by reason of the non-payment of the state assessments required by the terms of said act and the supplement thereto, or any subsequent act, be and the same are hereby remitted, released and extinguished; *provided*, that the assessment required by the terms of said act and the supplement thereto, or any subsequent act, be paid on or before the expiration of the time prescribed in section one of this act; *and provided, further*, that this act shall not apply to any corporation unless such corporation shall first, and as a condition precedent to the exercise of any power granted by this act, file in the office of the secretary of state an agreement, to be approved by the governor and attorney-general, waiving all rights of exemption from taxation and from privileges and advantages arising from any law or contract (if any there be) establishing any special mode of taxation of any such corporation, and the further agreement to be bound by any general law of this state now in existence or that may hereafter be passed taxing such corporations as are now authorized to be taxed by the legislature of the state, under any general law, and further agreeing, that the exercise of any power granted by this act shall not in any way affect the rights of the state (if any there exists) to take the property of such corporation under any existing law of the state, and further agreeing, that all laws affecting such corporations shall be subject to alteration or repeal by the legislature.

Proviso.

Proviso.

Upon payment of state assessment charters declared valid.

3. *And be it enacted*, That upon the payment of such assessment or sum into the treasury, on or before the time aforesaid, all charters of incorporation and supple-

ments thereto, shall be as valid and effectual, upon the said payment being made as above provided, as they would have been if such assessment or sum had been paid within the time heretofore prescribed by any such statute as aforesaid; and upon proof being made of the payment of said assessment as required by this act, the charter of any such corporation shall be received in evidence in all courts of this state.

Proceedings had, legalized and confirmed.

4. *And be it enacted*, That in all cases of the payment of the assessment as required by this act, all acts and proceedings had and done heretofore under any such charter, be and they are hereby ratified, legalized and confirmed, and are declared to be of equal force and effect, as if the said assessment had been paid as required by said act and the supplement thereto.

Act not to apply to certain corporations.

5. *And be it enacted*, That this act shall take effect immediately, but shall not apply to any corporation that has not completed its organization, or to any corporation not now doing business under its charter.

Passed April 18, 1884.

CHAPTER CLIV.

An Act to defray the expenses of a special committee of the house of assembly to investigate the question of contract convict prison labor and its relation to the wages and employment of honest men, and the effect of contract convict prison labor competition.

State treasurer authorized to pay expenses of committee.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of defraying the expense of the special committee of the house of assembly on the inquiry into the question on contract convict prison labor and its relation to the wages and employment of honest men, appointed by resolution of the same at the last legislative session, the treasurer of

this state is hereby directed to pay, upon the warrant of the comptroller, the following sum: For the expense of printing, circulating letters, subpœnas, et cetera, incurred by said committee in the performance of their duties, an amount not exceeding thirty dollars; to Thomas O'Kain, for services as secretary, six hundred dollars.

2. *And be it enacted*, That this act shall take effect immediately.

Passed April 18, 1884.

CHAPTER CLV.

An Act granting to boroughs of the first class the right to license inns, taverns and saloons.

Licenses to be granted by the mayor or common council in boroughs of first class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all boroughs of the first class all licenses for selling of malt or spirituous liquors in less quantity than one quart, and of all inns and taverns and billiard and pool rooms, shall be granted by the mayor and common council.

Empowered to pass ordinances regulating applications, &c.

2. *And be it enacted*, That the mayor and common council of the said boroughs of the first class shall have power to pass such ordinances regulating the applications for such inns, taverns and rooms or saloons, the methods of granting or refusing the same, and shall assess such fees for the same, as they deem proper and necessary.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent with this act be, and the same are hereby repealed.

4. *And be it enacted*, That this act shall take effect immediately.

Passed April 18, 1884.

CHAPTER CLVI.

An Act to provide for the payment of the expenses of a special committee of the house of assembly to investigate the accounts of the state comptroller and other state officers.

State treasurer authorized to pay expenses of committee.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of defraying the expenses of the special committee of the house of assembly to investigate the accounts of the state comptroller and other state officers, appointed by resolution of the same, at the last legislative session, the treasurer of this state is hereby directed to pay, upon the warrant of the comptroller, the following sums: for expenses incurred by said committee in the performance of its duties, the sum of thirty-eight dollars and fifty cents; to William Hutchinson, for services as clerk to the committee, one hundred and twenty-five dollars.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 18, 1884.

CHAPTER CLVII.

An Act making an appropriation for the extension of the state prison walls.

Alteration and extension of walls of state prison may be made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supervisor and the keeper of the state prison, with the concurrence of the board of inspectors thereof, may make such alteration

and extension to the walls surrounding the prison grounds as may be found necessary for the employment and safe custody of the prisoners in the state prison; that the sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated, to be paid by the treasurer on the warrant of the comptroller, with the approval of the governor, for the purchase of stone and other material necessary for such alteration and extension.

Amount appropriated.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 18, 1884.

CHAPTER CLVIII.

An Act to provide for the employment of the inmates of any prison, penitentiary, jail or public reformatory institution located within this state.

Managers authorized to enable prisoners in the manufacture of goods used in state institutions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the prisoners or persons confined or kept in any prison, penitentiary, jail or public reformatory institution located within this state, shall, so far as practicable in the judgment of the managers of such prison, penitentiary, jail or public reformatory institution, be employed in the manufacture or at work upon goods used in such institutions as are under state control, and all prisoners or persons not employed for said purpose shall be employed on what is commonly known as the "piece price plan," as the managing authorities of such prison, penitentiary, jail or public reformatory institution may be able to arrange for with parties desiring such labor, or they shall be employed under what is known as the "public account system;" and the revenue derived from any such employment in the state prison or any public reformatory institution shall be paid into the treasury of

Revenue to whom paid.

the state; and if derived from any penitentiary or jail in any county of this state, it shall be paid to the county collector of such county.

Managers authorized to purchase tools, stock, &c.

2. *And be it enacted*, That the authorities managing the state prison or any reformatory institution shall, with the assent of the governor, purchase any tools, machinery or stock necessary to carry out the provisions of this act, and the money necessary therefor shall be paid by the treasurer upon a warrant of the comptroller; and the authorities of any penitentiary or jail may, with the assent of the board of chosen freeholders of the county, purchase any tools, machinery or stock necessary to carry out the provisions of this act, and the county collector shall pay the expenses thereof by resolution of the board of chosen freeholders.

Authorities to advertise bids for labor of prisoners or sale of goods manufactured.

3. *And be it enacted*, That the authorities of any prison, penitentiary, jail or public reformatory institution, before they shall make any agreement with any party or parties for the labor of the prisoners or persons in their charge under the "piece price system," or before they shall dispose of any goods made in their institution under the "public account system," shall advertise in not less than four of the principal newspapers of the state for the space of three weeks once a week calling for public bids, so that there shall be a proper and just competition either for the labor of the prisoners or persons confined in such institutions or for the sale of goods; this advertising may be done before or after the goods are completed, and every effort shall be made to obtain current market prices for the same.

Act not to be construed to abridge powers of chosen freeholders, &c.

4. *And be it enacted*, That nothing in this act contained shall be construed to in any way abridge the powers of any board of chosen freeholders in any county in this state to employ any persons confined in any penitentiary or jail in said county in any other capacity they may deem wise, except under the "contract system" now in use in the state prison, and the authorities of any reformatory institution are also authorized to apprentice any of the minors in their institution.

Parties employing prisoners may place instructors.

5. *And be it enacted*, That any party or parties who may employ any portion of the prisoners or persons within the limit prescribed by law, shall have power to place one or

more instructors, if necessary, in any prison, penitentiary, jail or public reformatory institution of the state, where their work is being done, the expenses or salary of said instructor or instructors to be paid by the party or parties so employing them; or if the work is done under the "public account system," that such instructor or instructors shall be paid by the state; such instructors shall in no wise interfere with the discipline or management of the prisoners, and shall be while so employed in the prison subject to all the rules and regulations made by its officers for its government.

Repealer.

6. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed; *provided, however*, that no such prisoners or persons shall be employed at any trade where such employment is now prohibited by law; *and provided, further*, that no greater number of persons shall be employed in any business or occupation than is now provided by law.

Proviso.

Proviso.

7. *And be it enacted*, That this act shall be deemed and construed a public act, and shall take effect immediately.

Approved April 18, 1884.

CHAPTER CLIX.

An Act to provide for the imposition of state taxes upon certain corporations and for the collection thereof.

Certain corporations to pay annual tax to state as license.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every telegraph, telephone, cable or electric light company, every express company, not owned by a railroad company and otherwise taxed, every gas company, palace or parlor or sleeping car company, every oil or pipe line company, and every fire, life, marine or accident insurance company, doing business in this state, except mutual fire insurance companies which do not issue policies on the stock plan,

shall pay an annual tax, for the use of the state, by way of a license for its corporate franchise, as hereinafter mentioned; *provided, however*, that no company or society shall be construed to be a life insurance company doing business in this state within the purview of this act, which by its act or certificate of incorporation shall have for its object the assistance of sick, needy or disabled members, the defraying of funeral expenses of deceased members and to provide for the wants of the widows and families of members after death. Proviso.

2. *And be it enacted*, That on or before the first Tuesday of May next, and annually thereafter, it shall be the duty of the president, treasurer or other proper officer of every corporation of the character specified in the preceding section, to make report to the state board of assessors, appointed and to be appointed under the act entitled "An act for the taxation of railroad and canal property," stating specifically the following particulars, namely: Each telegraph, telephone, cable, and express company, not owned by a railroad company and otherwise taxed, shall state the gross amount of its receipts from business done in this state for the year preceding the first day of January prior to the making of such report; each electric light company shall state the gross amount of its receipts for light or power supplied within this state for the year preceding the first day of February prior to the making of such report; each gas company shall state the gross amount of its receipts for business done in this state during the same time, and the amount of dividends earned or declared for the same period; each parlor, palace or sleeping car company shall state the gross amount of its receipts for fare or tolls for transportation of passengers within this state during the same time; each oil or pipe line company engaged in the transportation of oil or crude petroleum shall state the gross amount of its receipts from the transportation of oil or petroleum through its pipes or in and by its tanks or cars in this state during the same time; each fire, marine or accident insurance company shall state the total amount of premiums received by it for insurance upon the lives of persons resident or property located with this state, during the same time. Officers of corporations to make annual report to state board of assessors. What corporations are required to report.

3. *And be it enacted*, That if any officer of any com-

Penalty for making false statement.

Failing to make return board of assessors to ascertain and fix amount.

pany required by this act to make a return as aforesaid, shall, in such return, make a false statement, he shall be deemed guilty of perjury; if any such company shall neglect or refuse to make such return within the time limited as aforesaid, the state board of assessors shall ascertain and fix the amount of such receipts in such manner as may be deemed by them most practicable, and the amount fixed by them shall stand as the basis of taxation of such company under this act.

Amount of tax to be paid by corporations.

4. *And be it enacted,* That each telegraph, telephone, cable and express company shall pay to the state a tax at the rate of two per centum upon the gross amount of its receipts so returned or ascertained; that each gas company and electric light company shall pay to the state a tax at the rate of one-half of one per centum upon the gross amount of its receipts so returned or ascertained, and five per centum upon the dividends of said company in excess of four per centum so earned or declared; that each oil or pipe line company shall pay to the state a tax at the rate of eight-tenths of one per centum upon the gross amount of its receipts so returned or ascertained; that each insurance company other than life shall pay to the state a tax at the rate of one per centum upon the gross amount of its premiums so returned or ascertained; that each life insurance company incorporated under the laws of this state shall pay to the state an annual franchise tax of one per centum upon the amount of its surplus on the thirty-first day of December next preceding the time of such payment as fixed in section five, as the same shall be ascertained by the commissioner of insurance of this state, according to the actuaries' table of mortality, and four per centum interest; that each life insurance company not incorporated under the laws of this state, but doing business therein, shall pay to the state an annual tax of two per centum on the amount of premiums collected during the year ending December thirty-first, as aforesaid, from residents of this state, except on the amount of premiums collected from industrial insurance on which amount each company shall pay to the state an annual tax of one per centum per annum, deducting from said premiums the amount of dividends actually allowed in rebate of the

same, and the amount paid during said year to residents of this state for claims under matured policies; the secretary of state acting as the commissioner of insurance shall ascertain and report to the state board of assessors all the facts necessary to enable the board to ascertain and fix the amount of tax to be paid by life insurance companies under this act; that each parlor, palace or sleeping car company shall pay to the state treasurer a tax at the rate of two per centum upon the gross amount of its receipts so returned or ascertained; if any oil or pipe line company has part of its transportation line in this state and part thereof in another state or states, such company shall return a statement of its gross receipts for transportation of oil or petroleum over its whole line, together with a statement of the whole length of its line and the length of its line in this state; such company shall pay tax to the state at the aforesaid rate upon such proportion of its said gross receipts as the length of its line in this state bears to the whole length of its line; that all other corporations incorporated under the laws of this state, and not hereinbefore provided for, shall pay a yearly license fee or tax of one-tenth of one per cent. on the amount of the capital stock of such corporations; *provided*, that this act shall not apply to railway, canal or banking corporations, or to savings banks, cemeteries or religious corporations, or purely charitable or educational associations, or manufacturing companies or mining companies carrying on business in this state. Proviso.

5. *And be it enacted*, That the state board of assessors shall certify and report to the comptroller of the state, on or before the first Monday of June in each year, a statement of the amount of gross receipts, as returned by each company to, or ascertained by the said board, and the amount of tax due thereon respectively, at the rate fixed by this act; such tax shall thereupon become due and payable, and it shall be the duty of the state treasurer to receive the same; if the taxes of any company remain unpaid on the first day of July, after the same become due, they shall thenceforth bear interest at the rate of one per cent. for each month until paid; the state board of assessors shall have power to require of any corporation subject to tax under this act, such in- Report to be made to comptroller of receipts and tax due. To whom paid. Taxes remaining unpaid to bear interest.

formation or reports touching the affairs of such company, as may be necessary to carry out the provisions of this act; and may require the production of abstracts of the books of such companies; and may swear and examine witnesses in relation thereto; the comptroller shall receive as compensation for his services under this act and under the act entitled "An act for the taxation of railroad and canal property," approved April tenth, eighteen hundred and eighty-four, the sum of five hundred dollars annually.

Compensation of comptroller.

Taxes to be a debt and how collected.

6. *And be it enacted*, That such tax, when determined, shall be a debt due from such company to the state, for which an action at law may be maintained after the same shall have been in arrears for the period of one month; such tax shall also be a preferred debt in case of insolvency.

Corporation may be restrained from transacting business if tax due is in arrears three months.

7. *And be it enacted*, That in addition to other remedies for the collection of such tax, it shall be lawful for the attorney-general, either of his own motion, or upon the request of the state comptroller, whenever any tax due under this act, from any company, shall have remained in arrears for a period of three months after the same shall have become payable, to apply to the court of chancery, by petition in the name of the state, on five days' notice to such corporation, which notice may be served in such manner as the chancellor may direct, for an injunction to restrain such corporation from the exercise of any franchise, or the transaction of any business within this state until the payment of such tax and interest due thereon, and the costs of such application, to be fixed by the chancellor; the said court is hereby authorized to grant such injunction, if a proper case appear, and upon the granting and service of such injunction, it shall not be lawful for such company thereafter to exercise any franchise or transact any business in this state until such injunction be dissolved.

Act not to apply or affect tax on premiums now paid by foreign fire insurance companies.

8. *And be it enacted*, That this act shall not apply to or in any manner affect the tax upon the premiums obtained in this state by foreign fire insurance companies and their agents, which tax shall be in lieu of the tax herein provided and shall be collected and distributed as is specially provided by law in relation thereto.

9. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be and the same are hereby repealed in so far as the same are inconsistent herewith. Repealer.

10. *And be it enacted*, That this act shall take effect immediately.

Approved April 18, 1884.

CHAPTER CLX.

A Further Supplement to an act entitled "An act concerning the protection of the public health and the record of vital facts and statistics relating thereto," approved March eleventh, one thousand eight hundred and eighty, and the supplement thereto, approved March thirty-first, one thousand eight hundred and eighty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the powers conferred by the act and the supplement thereto to which this is a supplement, the board of health of any city, town, borough or other form of incorporated town or village government in this state shall have power at any stated or adjourned meeting of such board to pass, alter or amend ordinances in relation to the public health in such city, for the following purposes, to wit: Board of health empowered to pass, alter or amend ordinance.

I. To regulate and control the method of construction, the location, the method or manner of emptying or cleansing and the time or frequency of cleansing, of all cesspools and privy vaults. To regulate and control construction of cesspools, &c.

II. To regulate and control the mode of connection of house drainage and plumbing with outside sewers, cesspools or other receptacles, and to enforce rules and regulations relating thereto. House drainage and plumbing.

III. To protect the public water supply and to prevent the pollution of any stream of water or well, the water of To protect water supply and streams.

which is used for domestic purposes, and to order not to be used or to close any well, the water of which is polluted.

To prevent contagious diseases.

IV. To remove to a suitable place any case of contagious or infectious disease and disinfect premises where the board of health declares that the removal is necessary for the public health and without undue risk to the person or persons thus diseased.

To regulate burial.

V. To regulate the burial and disinterment of human bodies in accordance with the laws of this state.

Boards may enforce ordinances and collect penalties.

2. *And be it enacted*, That in the enforcement of ordinances thus declared as to the matters and subjects herein specified besides or instead of modes of procedure provided in other laws relating to these subjects, said board of health may proceed for the enforcement of laws or ordinances and for the collection of penalties, according to the provisions of the law and the supplement thereto to which this is a supplement.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 21, 1884.

CHAPTER CLXI.

An Act relating to the issue of temporary loan bonds in cities of this state.

Temporary bonds or obligations may be issued and renewed in anticipation of taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council, board of finance, or their governing body of any city in this state to issue from time to time its temporary bonds or obligations in anticipation of taxes, and to renew such bonds heretofore issued, to the amount of the taxes remaining unpaid at the date of any such issue; and said bonds shall run for a period not extending, with renewals, beyond the time limited by the charter of such city for the sale of lands for unpaid taxes.

2. *And be it enacted*, That all acts and parts of acts, general or special, inconsistent with this act are hereby repealed, and this act shall take effect immediately. Repealer.

Approved April 21, 1884.

CHAPTER CLXII.

An Act concerning cities in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where in any city or cities of this state the provision heretofore made by law for the payment of the annual interest heretofore accrued or hereafter to accrue on the bonded indebtedness or any part thereof, of such city or cities, shall have been found or shall hereafter be found to be insufficient for such purpose, the board having the control of the finances of such city or cities shall have power to raise by taxation the amount of such deficiency by adding the same to the annual tax levy of such city or cities. Deficiency in payment of annual interest on bonded indebtedness may be raised by taxation by adding to tax levy.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 21, 1884.

CHAPTER CLXIII.

An Act respecting telegraph, telephone, electric light and other wires and cables for electric purposes.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That whenever any wire or cable used for any telegraph, telephone, electric light, or other Wires or cables attached to buildings or lands not considered a perpetual right to

attachment, &c., on account of lapse of time.

wire or cable for electric purposes, is or shall be attached to, or does or shall extend upon or over any building or land, no lapse of time whatsoever shall raise a presumption, or justify a prescription of any perpetual right to such attachment or extension.

Approved April 21, 1884.

CHAPTER CLXIV.

A Further Supplement to an act entitled "An act fixing the compensation of certain public officers of this state," approved March sixteenth, one thousand eight hundred and seventy-six.

Attorney general authorized to employ clerical assistants.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the attorney-general is hereby authorized, by and with the approval of the governor of this state, to employ in his office such clerical assistants as may be necessary; *provided*, that the cost thereof shall not exceed the sum of fifteen hundred dollars per annum; and such clerical assistants so employed shall be paid in the manner prescribed by the second section of the act to which this is a supplement for the payment of the persons employed in the other departments.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 22, 1884.

CHAPTER CLXV.

An Act to organize and establish a state board of agriculture.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the directors of the New Jersey state board of agriculture shall hereafter consist of the following, to wit: Two members of the board of managers of the geological survey, to be chosen by said board; the professor of agriculture in the state agricultural college, four members of the board of visitors of the state agricultural college, to be chosen by said board; the president of the board of managers of the New Jersey experimental station and the director of said station; the master of the state grange patrons of husbandry, one delegate from the state agricultural society, one delegate from the state horticultural society, and one from each county board of agriculture, which may associate itself with the state board in the manner hereinafter provided; who shall receive compensation from the state for their personal expenses when engaged in the duties of said board. Who to constitute directors of state board.

2. *And be it enacted*, That the members of all agricultural and horticultural societies, farmers' clubs, granges of the patrons of husbandry, and other agricultural associations shall constitute the membership of the state board; *provided, however*, that no member created by this section shall be eligible to any office of the board, nor receive any compensation from the state for their services. Who to constitute membership. Proviso.

3. *And be it enacted*. The board shall meet at the state house, in the city of Trenton, at least once in each year (and as much oftener as may be deemed expedient) and shall elect a president, vice president, secretary and treasurer, who with three others to be elected at the same time, shall constitute the executive committee of said board; Annual meeting of board and election of officers

Annual salary of secretary, &c.

the secretary shall receive an annual salary not exceeding six hundred dollars, and may, with the approval of the board, employ a clerk or clerks at an expense of not more than one hundred dollars per year, which salary and expenses shall be paid out of the treasury of the state.

Term of office of directors.

4. *And be it enacted*, That the directors of this board shall hold office for the term of two years, and until their successors are duly appointed; *provided, however*, that of the directors first chosen after the passage of this act one half shall be chosen for the term of one year and the remaining one-half for the full term of two years, except in cases of vacancies, when members shall be chosen for the unexpired term only.

Proviso.

Powers of the board.

5. *And be it enacted*, That the state board of agriculture shall have full power to investigate such subjects relating to the improvement of lands and agriculture in its various branches in this state as they may think proper, and may take, hold in trust, and exercise control over donations or bequests made to them for promoting scientific education or the general interests of agriculture.

Duty of board to examine formation of county boards.

6. *And be it enacted*, That it shall be the duty of the state board of agriculture to encourage and aid, as far as practicable, the formation of county boards of agriculture in the several counties of this state (to the end that all the agricultural interests of the state may be fully represented) in the manner following, to wit:

Membership of county boards.

I. The membership of such county boards shall consist of all the members of the agricultural and horticultural associations of said county.

How county boards may organize.

II. In counties having no agricultural or horticultural organizations, any number of citizens, not less than ten, may organize a county board of agriculture by electing a president, a secretary, a treasurer, and a board of not less than five directors, adopting the name of "the county board of agriculture," (inserting in each case the name of the proper county,) and filing with the secretary of the state board of agriculture a certificate of such organization; *provided, however*, that upon the formation of any agricultural or horticultural association in said county, they shall become members of such county board as provided in articles III. and IV. of this section.

Proviso.

How counties having one organization may become a county board.

III. In counties having but one agricultural or horticultural organization (whether known and designated as a "society," "club," or "grange,") such organization may become the county board of agriculture for such county by electing the officers and directors prescribed in the first paragraph of this section, adopting the name of "the county board of agriculture," (inserting the name of the proper county,) and filing with the secretary of the state board a certificate of such organization.

How counties having more than one organization may become a county board.

IV. In counties having more than one agricultural or horticultural organization (whether known and designated as "societies," "clubs," or granges,") such organizations or so many of them (not less than two,) as may elect so to do, may organize a county board of agriculture by electing a president, a secretary, a treasurer, and a board of directors, to consist of one member of each agricultural or horticultural organizations of said county, (that may elect to become members of such county board) adopting the name of "the county board of agriculture," (inserting in each case the name of the proper county,) and filing with the secretary of the state board of agriculture a certificate of such organization.

Officers to be members of board of directors.

V. The president, secretary and treasurer of each county board of agriculture shall be ex-officio members of the board of directors of such board.

Certificate what to state.

7. *And be it enacted*, That every certificate filed, as hereinbefore provided, shall truly and correctly state: first, the name of the county board filing the same; second, the date of its organization under this act; third, the names of its officers and directors; fourth, the number of bona fide members in each organization represented in the county board at the date of organizing said board, and the names of such organizations.

County board of agriculture to have prior right to representation in state board.

8. *And be it enacted*, That in any county in which there may be at the same time a county board of agriculture and any other agricultural organization, such board shall have the prior right to representation in the state board, unless, for good cause shown, the said state board, or its executive committee, shall otherwise order.

Duty of secretary of state board.

9. *And be it enacted*, That it shall be the duty of the secretary of the state board of agriculture, at all times,

to keep a correct list of the members of said board, with the date of their respective elections or appointment and the time at which their several terms of service will expire; and to furnish to the proper organizations or officers reasonable notice of new elections or appointments to be made, and also with proper blanks, so as to secure uniform and reliable information and statistics.

County boards to make annual report to the secretary of the state board.

10. *And be it enacted*, That it shall be the duty of each county board of agriculture, on or before the fifteenth day of December in each year, to make to the secretary of the state board of agriculture a full report of the transactions of such board during the year next preceding, with as complete a statement as practicable, of the condition, progress and results of agricultural and horticultural industries in such counties respectively, together with reports on such special subjects of inquiry as may from time to time present themselves to such county boards, or be submitted by the state board of agriculture, or the executive committee thereof; and it shall be the duty of the several representatives of county boards in the said state board to make a full report to their respective county boards of the proceedings of such meetings of the state board as they may from time to time attend.

Powers to make by-laws, rules regulations for government of state and county boards.

11. *And be it enacted*, That the directors of the state board of agriculture or its executive committee, shall have power to make all necessary and proper by-laws for carrying into execution the provisions of this act, and to adopt suitable rules and regulations, not inconsistent herewith, for the government of the state and county boards of agriculture.

Executive committee of state board to apportion moneys to county board, &c.

12. *And be it enacted*, That in order to collect and disseminate reliable and valuable information it shall be the duty of the executive commitee of the state board of agriculture to apportion to the state horticultural society and the several county boards organized under this act such sums of money as they may deem adequate for this purpose.

Committee to report amount of money determined and expenses to state comptroller.

13. *And be it enacted*, That upon the receipt of the annual reports from the state horticultural society and the several county boards herein provided for, the executive committee of the state board of agriculture shall make up the number of these reports together with such ex-

penses incurred as they may deem equitable, and submit the amount thus determined upon to the comptroller of the state, who shall thereupon draw his warrant therefor upon the state treasurer, and the treasurer shall pay the same out of any moneys in the treasury not otherwise appropriated, to the executive committee of the state board of agriculture upon such warrant; *provided*, that such amount shall not exceed in any one year the sum of one thousand dollars.

Comptroller to draw warrant on treasurer.

Proviso.

14. *And be it enacted*, That annually on or before the fourth Tuesday in February, the executive committee, through its chairman or secretary, shall submit to the legislature a detailed report of the doings of the state board of agriculture together with such recommendations and suggestions as the interests in their charge may require.

Annual report to be made to the legislature.

15. *And be it enacted*, That the act entitled "An act to organize and establish a state board of agriculture," approved April fourth, one thousand eight hundred and seventy-two, and the supplement thereto approved March eighteenth, one thousand eight hundred and eighty-two, be and are hereby repealed.

Act repealed.

16. *And be it enacted*, That this act shall be deemed to be a public act and take effect immediately.

Approved April 22, 1884.

CHAPTER CLXVI.

An Act for the better securing and enjoyment of wages to workmen and laborers in the state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or persons to purchase or have assigned to him or them any pay or wages due or to become due to any laborer or employee of any corporation or individual or individuals doing business in this state for any work or

Unlawful for any person to have assigned to them wages of workmen.

labor to be rendered by such laborer or employee of any such corporation or individual or individuals upon which such person or persons so purchasing or having assigned to him or them shall directly or indirectly have received, or contracted to receive, from such laborer or employee, more than the legal rate of interest established by the laws of this state upon the amount of such pay or wages due or to become due, so purchased or assigned.

Penalty for violation of act.

2. *And be it enacted*, That any person or persons violating the first section of this act shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, at the discretion of the court; *provided, however*, that this act shall not apply to any assignment of such pay or wages made for the payment of any goods, wares or merchandise sold to such employee for the full value or for any professional service rendered to such laborer or employee mentioned in such assignment.

Proviso.

Approved April 22, 1884.

CHAPTER CLXVII.

An Act to authorize cities in this state to fix the salaries of city physicians of such cities.

Annual salary of city physicians may be fixed by ordinance.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen or common council of any city in this state to fix by ordinance the annual salary of the city physician and the time and the manner of the payment thereof; *provided*, that said salary shall not be altered during the term for which he has been or may be appointed; *provided further*, that this act shall not apply to any city in which the city physician is appointed by a board other than the board of aldermen or common council; *and provided also*, that such annual salary shall not exceed the sum of fifteen hundred dollars; *and provided*

Proviso.

Proviso.

Proviso.

Proviso.

also, that the charter of such city shall provide for the appointment of a city physician.

2. *And be it enacted*, That all acts, general, special, local or otherwise, and all charters and parts of charters, inconsistent with the provisions of this act, be and the same are hereby repealed. Repealer.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 22, 1884.

CHAPTER CLXVIII.

A Supplement to the act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the second class of this state in which there is not more than one regularly enrolled company of the national guard, there may be organized a battalion to consist of not less than two nor more than three additional companies, of not less than fifty nor more than eighty enlisted men to each company, which battalion and companies comprising the same shall be entitled to the rights, privileges and allowances, and be required to perform the like duties and subject to the penalties now provided by law for infantry battalions and infantry companies of the national guard, except as hereinafter provided. Organization of battalion in cities of the second class.

2. *And be it enacted*, That any such battalion and the companies composing the same, shall be furnished with the regulation state uniform by the quartermaster general upon the terms set out in the seventeenth section of the supplement to the act to which this is a supplement, approved March fourteenth, one thousand eight hundred Quartermaster general to furnish uniforms.

and seventy-nine, as amended March tenth, one thousand eight hundred and eighty.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and that this act shall take effect immediately.

Approved April 22, 1884.

CHAPTER CLXIX.

A Supplement to an act entitled "An act for the collection of demands against ships, steamboats and other vessels," approved March twentieth, one thousand eight hundred and fifty-seven.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this is a supplement, be and the same is hereby amended so as to read as follows:

Section as amended.

[1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That whenever a debt shall be contracted by the master, owner, agent or consignee of any ship or vessel within this state for either of the following purposes:

I. On account of any work done, or materials or articles furnished in this state, for or towards the building, repairing, fitting, furnishing or equipping such ship or vessel;

II. For such supplies, provisions and stores furnished within this state for the use of such ship or vessel at the time when the same were furnished;

III. On account of the towing of such ship or vessel, the wharfage of such ship or vessel, and the expenses of keeping such ship or vessel in port, including expenses incurred in taking care of and employing persons to watch such ship or vessel; such debt shall be a lien upon such ship or vessel, her tackle, apparel and furniture, and continue to be a lien on the same until paid, and shall be

preferred to all other liens thereon, except mariners' wages.]

2. *And be it enacted*, That the act entitled "A supplement to an act entitled 'An act for the collection of demands against ships, steamboats and other vessels,' approved March twentieth, eighteen hundred and fifty-seven," which supplement was approved March eighteenth, eighteen hundred and fifty-eight, and the second section of an act entitled "A supplement to the act entitled 'An act for the collection of demands against ships, steamboats and other vessels,' approved March twentieth, one thousand eight hundred and fifty-seven," which last supplement was approved March twentieth, one thousand eight hundred and seventy-eight, and all acts and parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed; *provided*, that nothing in this act shall apply to or affect any debt contracted before this act takes effect. Acts repealed. Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 24, 1884.

CHAPTER CLXX.

A Supplement to an act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," (Revision,) approved April fourteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any township of this state where it has been the custom to designate at the annual township meetings the place of holding the next annual township meeting, that the place of holding said next annual township meeting shall be determined by Place of holding annual town meeting to be determined by ballot.

ballot by designating the place upon the same ballot used in voting for the various township officers.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 24, 1884.

CHAPTER CLXXI.

An Act to defray the incidental expenses of the legislature of New Jersey for the sessions of eighteen hundred and eighty-one, and one thousand eight hundred and eighty-four.

State treasurer to pay certain amounts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of the state of New Jersey to pay, upon warrant of the comptroller, to the several persons hereinafter named, the following amounts, viz:

Item No. 1. To the clergy, for opening the sessions of the legislature with prayer, during the session of one thousand eight hundred and eighty-four, ten dollars each,

Item No. 2. To David Campbell, for services in attending the electrical gas apparatus and lighting the dome of the senate and assembly chambers, during the session of one thousand eight hundred and seventy-eight, one hundred dollars, $100 00

Item No. 3. To Naar, Day & Naar, for stationery and printing furnished the clerk of the house of assembly, session of one thousand eight hundred and eighty-four, nineteen dollars and twenty-five cents, $19 25

Item No. 4. To Naar, Day & Naar, for advertising notice of the committee on incidental expenses to present bills, four dollars and fifty cents, $4 50

Item No. 5. To MacCrellish & Quigley, for printing affidavit blanks for the committee on incidental expenses, one dollar and fifty cents, $1 50

Item No. 6. To John McKechney, for services in attending fires in the senate and assembly chambers and the president's and speaker's rooms and ventilating the same during the session of one thousand eight hundred and eighty-four, $100 00

Item No. 7. To J. Clarence Sackett, stenographer, for taking testimony in the matter of charges made in the Philadelphia *Press*, by order of the special investigating committee of the house of assembly, thirty dollars and seventy-five cents, $30 75

Item No. 8. To Thomas K. Johnston, for furnishing parchment and preparing oaths of members and officers of the senate and general assembly, session of one thousand eight hundred and eighty-four, fifty dollars, $50 00

Item No. 9. To John A. Brown, for services in attending the electrical gas machines in senate and assembly chambers during the session of one thousand eight hundred and eighty-four, one hundred dollars, $100 00

Item No. 10. To Ellen Meeley, for services in cleaning the senate and assembly chambers during the session of one thousand eight hundred and eighty-four, two hundred dollars, $200 00

Item No. 11. To Arthur Wilson, for services as clerk in opening the house of assembly, session of one thousand eight hundred and eighty-four, ten dollars, $10 00

Item No. 12. To Alpaugh & Thompson, for stationery, minute books, calendars, &c., for the opening of the house of assembly, session of one thousand eight hundred and eighty-four, one hundred and thirty-five dollars and seventy cents, $135 70

Item No. 13. To Alpaugh & Thompson, for one speaker's calendar for the session of one thousand eight hundred and eighty-four, twenty-five dollars, $25 00

Item No. 14. To A. Kessler, for furnishing keys, locks, &c., repairing same, &c., in the senate and assembly chambers, session of one thousand eight hundred and eighty-four, forty dollars and fifty cents, $40 50

Item No. 15. To A. S. D. Demarest, for stationery furnished the clerk of the house of assembly, session of one thousand eight hundred and eighty-four, forty-six dollars and sixty-five cents, $46 65

Item No. 16. To W. H. Butler, for changing combination, new wrench, &c., for safe of the clerk of the house of assembly, session of one thousand eight hundred and eighty-four, ten dollars, $10 00

Item No. 17. To Clark & Walters, for stationery, &c., furnished the clerk of the house of assembly, session of one thousand eight hundred and eighty-four, thirty-seven dollars and fifteen cents, $37 15

Item No. 18. To Alexander Dunn, for oil and oil can furnished the clerk of the house of assembly, session of one thousand eight hundred and eighty-four, sixty-three cents, 63

Item No. 19. To W. H. C. Murphy, for two ebony gavels for the president of the senate and speaker of the house of assembly, session of one thousand eight hundred and eighty-four, five dollars, $5 00

Item No. 20. To John Jameson, for services in washing towels, cleaning spittoons, water closets, &c., of the house of assembly, session of one thousand eight hundred and eighty-four, one hundred and eighty-five dollars, $185 00

Item No. 21. To Samuel W. Semple, for towels for clerk's room, house of assembly, session of one thousand eight hundred and eighty-four, three dollars, $3 00

Item No. 22. To the Jordan Stationery Company, for stationery furnished the house of assembly, session of one thousand eight hundred and eighty-four, per resolution of the

house of assembly, three hundred and ninety dollars, $390 00

Item No. 23. To Charles Muller, William Shortel, William O'Neal and John Kennell, Jr., for services as pages at the opening of the house of assembly, session of one thousand eight hundred and eighty-four, ten dollars each, $40 00

Item No. 24. To John Jameson and John Carrigan, doorkeepers, and George B. Holcombe, gallery keeper, for services as such at the opening of the house of assembly, session of one thousand eight hundred and eighty-four, ten dollars each, $30 00

Item No. 25. To Michael Hurley, for services as assistant sergeant-at-arms at the opening of the house of assembly, session of one thousand eight hundred and eighty-four, ten dollars, $10 00

Item No. 26. To John L. Murphy, for advertising notice for committee on incidental expenses of one thousand eight hundred and eighty-four, four dollars and fifty cents, $4 50

Item No. 27. To George F. Smith, for services as clerk to the committee on judiciary and revision of the laws of the house of assembly, session of one thousand eight hundred and eighty-four, per resolution of the house of assembly, three hundred dollars, $300 00

Item No. 28. To Thomas O'Connor, for services as clerk to the committee on corporations and municipal corporations of the house of assembly, session of one thousand eight hundred and eighty-four, per resolution of the house of assembly, three hundred dollars, $300 00

Item No. 29. To Jerome B. Grigg, for extra services in engrossing railroad taxation bill (H. 313) by direction of the special committee on railroad taxation, session of one thousand eight hundred and eighty-four, twenty dollars, $20 00

Item No. 30. To Clarke & Walter, for stationery furnished the house committee on engrossed bills, session of one thousand eight

hundred and eighty-four, thirty-five dollars and forty-two cents, $35 42

Item No. 31. To John H. Murphy, for expenses incurred on behalf of the special committee on contract convict prison labor, appointed at the session of one thousand eight hundred and eighty-three, seventy-five dollars, $75 00

Item No. 32. To Clarke & Walter, for stationery furnished the reading clerk of the house of assembly, session of one thousand eight hundred and eighty-four, fifty-one dollars and twenty cents, $51 20

Item No. 33. To James D. O'Brien, for wrapping paper, twine, hatchets, &c., furnished the document clerk, house of assembly, session of one thousand eight hundred and eighty-four, by order of the stationery committee, fifty dollars and twenty-eight cents, $50 28

Item No. 34. To William E. Ross, for expenses incurred as a member of the special committee appointed at the session of one thousand eight hundred and eighty-three, to investigate contract convict prison labor, fifty dollars, $50 00

Item No. 35. To Clarke & Walter, for stationery furnished the speaker, house of assembly, session of one thousand eight hundred and eighty-four, one hundred and fifty-seven dollars and ninety-nine cents, $157 99

Item No. 36. To Callahan & Gartland, for students lamps, &c., furnished the house of assembly, session of one thousand eight hundred and eighty-four, ninety-four dollars and twenty-five cents, $94 25

Item No. 37. To Clarke & Walter, for stationery furnished the engrossing clerk of the house of assembly, session of one thousand eight hundred and eighty-four, two hundred and twenty-eight dollars and ten cents, $228 10

Item No. 38. To Clarke & Walter, for towels, brushes, &c., furnished the sergeant-at-arms of the house of assembly, session of

one thousand eight hundred and eighty-four, sixty-seven dollars and fifty cents, $67 50

Item No. 39. To Clarke & Walter, for bill files furnished the house of assembly, officers of the house and the reporters, session of one thousand eight hundred and eighty-four, per resolutions of the house of assembly, three hundred and fifty-two dollars, $352 00

Item No. 40. To Clarke & Walter, for stationery furnished the clerk of the house of assembly, session of one thousand eight hundred and eighty-four, nineteen dollars and seventy-four cents, $19 74

Item No. 41. To C. J. Donovan, sergeant-at-arms, for services to the special committee of the house of assembly on charges made by the Philadelphia *Press* touching the reputation of members, twenty-five dollars, $25 00

Item No. 42. To Louis C. Gosson, for services as clerk to the committee on incidental expenses of the house of assembly, session of one thousand eight hundred and eighty-four, per resolution of the house of assembly, sixty dollars, $60 00

Item No. 43. To Clarke & Walter, for stationery, &c., furnished for the use of the bill room, session of one thousand eight hundred and eighty-four, ninety-three dollars and eighty-four cents, $93 84

Item No. 44. To Naar, Day & Naar, for one journal for the clerk of the house of assembly, session of one thousand eight hundred and eighty-four, three dollars and sixty cents, $3 60

Item No. 45. To James Furman, for extra services as door-keeper state house during the session of the legislature, session of one thousand eight hundred and eighty-four, fifty dollars, $50 00

Item No. 46. To Callahan & Gartland, for one calendar for the use of the house of assembly, session of one thousand eight hundred and eighty-four, twenty dollars, $20 00

Item No. 47. To Rush Burgess, for expenses of the special committee of the house of assembly, session of one thousand eight hundred and eighty-four, appointed to investigate the condition of the Newark plank road, carriage hire, &c., fifty-two dollars and fifty cents, $52 50

Item No. 48. To F. S. Katzenbach, for twine furnished the document clerk house of assembly, session of one thousand eight hundred and eighty-four, two dollars and twenty-five cents, $2 25

Item No. 49. To Peter Forman, for expenses incurred as a member of the special committee to investigate the subject of prison convict contract labor appointed at the session of one thousand eight hundred and eighty-three, fifty dollars, $50 00

Item No. 50. To John Briest, for advertising notice to present bills, &c., to the committee on incidental expenses, four dollars and fifty cents, $4 50

Item No. 51. To the *Courier* Publishing Association of Camden, N. J., for drawing, engraving and electrotyping diagrams of house of assembly, thirty dollars, ($30.00); for extra service in re-printing assembly bill No. 253, per resolution of Mr. Cole, twenty dollars ($20.00); for senate majority and minority amendments to and re-printing bill No. 313, with majority amendments 500 copies as ordered by the senate, ninety-two dollars and twenty-five cents ($92.25); to printing senate amendments to assembly bill 378, and re-printing 378 with amendments, extra service ordered by the senate, twenty-seven dollars ($27.00). One hundred and sixty-nine dollars and twenty-five cents, $169 25

Item No. 52. To F. S. Katzenbach & Co., for materials, &c., furnished the house of assembly, session of eighteen hundred and eighty-four, four dollars and ninety-eight cents, $4 98

Item No. 53. To Ellen Meeley, for services in cleaning the senate and assembly chambers and supplying the speaker's and clerk's rooms with ice water, twenty-five dollars, $25 00

Item No. 54. To Thomas F. Noonan, Jr., assistant clerk of the house of assembly for extra services, two hundred dollars, $200 00

Item No. 55. To Warner Davis, page, for extra services as assistant to journal clerk, one hundred dollars, $100 00

Item No. 56. To Charles L. Corbin, for services and disbursements as attorney rendered to special joint committee on taxation, two hundred and forty dollars, $240 00

Item No. 57. To John L. Murphy, for stationery furnished president of the senate, one hundred and forty-four dollars and sixty cents. $144 60

Item No. 58. To Henry R. Marger, desk for engrossing clerk, thirty-five dollars, $35 00

Item No. 59. To Knight and Knight, stenographers, two hundred and ninety-six dollars and twenty cents, $296 20

Item No. 60. To Rev. Geo. Mattox, opening service with prayer,

Item No. 61. To John T. Ray, cleaning spittoons, sixty dollars, $60 00

Item No. 62. To John T. Ray, cleaning water-closets, twenty-five dollars, $25 00

Item No. 63. To John T. Ray, engrossing resolutions, ten dollars, $10 00

Item No. 64. To John L. Murphy, stationery, for engrossing clerk one hundred and ninety-three dollars and fifteen cents, $193 15

Item No. 65. To John L. Murphy, stationery for sergeant-at-arms, two hundred and sixty-seven dollars and fifty-five cents, $267 55

Item No. 66. To John L. Murphy, stationery, &c., for secretary of senate, two hundred and six dollars and seventy cents, $206 70

Item No. 67. To Mary E. Lee, for washing towels, thirty dollars, $30 00

Item No. 68. To Charles A. Donaker, for

bill files, one hundred and eight dollars and fifty cents, $108 50

Item No. 69. To Charles B. Hindle, Joseph C. Burton, Sherman A. Stiles, pages, for services in opening session, each ten dollars, $10 00

Item No. 70. To J. Henry Herbert, services in opening session, ten dollars, $10 00

Item No. 71. To John L. Murphy, to bill of lamps, twenty-three dollars and fifteen cents, $23 15

Item No. 72. To John L. Murphy, to bill of sundries, thirty-six dollars and seventy-five cents. $36 75

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 25, 1884.

CHAPTER CLXXII.

An Act to authorize the conveyance of certain lands belonging to the state of New Jersey, situated in the township of Ewing and county of Mercer.

Preamble.

WHEREAS, Certain improvements adjoining and connected with the land of the state of New Jersey, appertaining to the state lunatic asylum in the township of Ewing and county of Mercer, require the sale of a portion of said land; therefore,

Attorney general authorized to convey certain lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the attorney-general of the state of New Jersey be and and he is hereby authorized to sell and convey by a good and sufficient deed in the law for such land, not exceeding in the aggregate one half of an acre, to any purchaser or purchasers thereof; the consideration to be named in said deed to be such as shall be fixed and determined as the full and fair value of said land, by the governor of the state, the comptroller and

the state treasurer for the time being; *provided*, that such sale shall not be made except by the consent of the majority of the whole board of managers. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 25, 1884.

CHAPTER CLXXIII.

A Further Supplement to an act entitled "An act concerning disorderly persons," approved April ninth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section five of said act (Revision, page 305,) be amended so as to read as follows: Section to be amended.

[5. *And be it enacted*, That any husband or father who deserts or wilfully refuses or neglects to provide for and maintain his wife or other family, shall be deemed and adjudged a disorderly person, and whenever any overseer of the poor of the township or city within which any husband or father resides, or the overseer of the poor of the place of legal settlement of such husband or father, believes that such person does desert or wilfully refuse or neglect to provide for and maintain his said family, and that by reason thereof, such family may become chargeable to such township or city, it shall be his duty to make complaint thereof, under oath, before some justice of the peace in either the township or city where said disorderly person resides or the place of his legal settlement.] Section as amended.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 25, 1884.

CHAPTER CLXXIV.

A Supplement to "An act relative to the publication of the laws of this state in the newspapers," approved April twenty-first, eighteen hundred and seventy-six.

Additional paper authorized to publish public laws in German language.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in designating the papers to publish the laws of this state in the newspapers, as required by the act to which this act is a supplement, in each of the counties of the second class where there is a newspaper published in the German language, it shall be lawful to authorize one additional paper, published in the German language, to publish the public laws of this state, passed at each session of the legislature; *provided*, that in each of the counties of the second class where there are two or more newspapers published in the German language, the one having the largest circulation shall be so authorized.

Proviso.

2. *And be it enacted*, That this act shall be deemed to be a public act and take effect immediately.

Approved April 25, 1884.

CHAPTER CLXXV.

A Supplement to an act entitled "An act to secure to mechanics and others payment for their labor and materials in the erecting any building," (Revision) approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any suit hereafter brought

to enforce any lien created by the act to which this is a supplement, every person holding a mortgage of record against the property affected by said lien claim whose mortgage would be cut off by a sale under said lien claim, shall be made party or parties defendant to said suit, and the summons therein shall set forth each of their names as defendants, and the said summons shall be served upon each of the defendants named therein in the same manner as to residents and non-residents respectively, as now provided for the service of summons in the act to which this is a supplement.

Mortgagee to be made party to suit brought to enforce lien claim.

Summons to be served.

2. *And be it enacted*, That the declaration in such suit, in addition to reciting that the owner and builder were summoned and how served, shall in the same manner recite that each of the other defendants named in said summons was summoned and how served, and why he or they were made defendant or defendants, and each of said other defendants may jointly or severally have the same defence or pleas to the said declaration as are allowed to the owner under the provisions of said act and a further plea that said lien claim is subject to the said defendant's lien, and the judgment in any such case shall determine the priority of the liens of the plaintiff and each of said defendants, and any judgment or proceeding under the same shall not affect the lien of any of said defendants whose lien shall be determined to be paramount to that of the plaintiff, and if the proceeds of the sale of the buildings or lands under any such judgment shall be more than sufficient to pay the judgment of said plaintiff, and any concurrent mechanics' lien claims entitled to payment out of the proceeds of said sale under the provisions of said act, any surplus shall be distributed by the court out of which the execution issued to the said defendants holding liens, subject to that of the plaintiff, according to the priority of their respective liens as determined in said judgment.

Declaration and summons to recite defendants.

Defendants may jointly or severally defend or plead to declaration, &c.

Proceeds of sale under judgment how distributed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 25, 1884.

CHAPTER CLXXVI.

An Act to defray the expenses of a special committee of the house of assembly to investigate the board of finance of Jersey City.

State treasurer authorized to pay expenses of committee.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of defraying the expense of the special committee of the house of assembly on the investigation of the board of finance of Jersey City, appointed by a resolution of the same at its last legislative session, the treasurer of this state is hereby directed to pay upon the warrant of the comptroller, the following sums for stationery, printing, postage, etc., incurred by said committee, fifteen (15) dollars; to William B. Ranken, as clerk of said committee, one hundred and fifty dollars; to Patrick McDonough, as sergeant-at-arms of said committee, fifty (50) dollars.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 25, 1884.

CHAPTER CLXXVII.

An Act to provide for the payment of the expenses of a special committee of the house of assembly to investigate the subject of riparian rights.

State treasurer authorized to pay expenses of committee.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of defraying the expense of the special committee of the house

of assembly on riparian rights, appointed by resolution of the same at the last legislative session, the treasurer of this state is hereby directed to pay, upon the warrant of the comptroller, the following sums: for room rent, stationery, printing, postage, et cetera, incurred by said committee in the performance of its duties, the sum of fifty dollars; to Louis C. Gosson, for services as clerk to the committee, five hundred dollars.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 25, 1884.

CHAPTER CLXXVIII.

An Act to confirm the incorporation and proceedings of Evangelical Lutheran churches in the state of New Jersey.

Preamble. WHEREAS, It is represented that several Evangelical Lutheran churches of this state have been incorporated under the general provisions of the act to incorporate trustees of religious societies, and not under the eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth and twenty-first sections thereof; and under such incorporation such churches have elected trustees who have had the management of the temporalities of said churches, instead of the minister, elders and deacons as ex-officio trustees; and conveyances have been made to and by such churches so incorporated; and doubts have arisen as to the validity of such incorporations and of the conveyances to and by such churches; and it is desirable that the same be confirmed and validated; therefore,

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That every congregation of

Congregations declared body politics and corporate in law.

the Evangelical Lutheran churches of this state, which shall have organized according to the provisions of the first section of the act entitled "An act to incorporate trustees of religious societies," approved April seventeenth, one thousand eight hundred and forty-six, is hereby constitued a body politic and corporate in law from the date of such organization by whatever name it may have assumed at the time of such organization, and the certificate of every such incorporation notwithstanding any defect or insufficiency in the form thereof, as recorded in the clerk's office of the several counties of this state; and also the acts and proceedings of said incorporations under such organizations, be and the same are hereby ratified, validated and confirmed; and all conveyances and mortgages made to or by any such corporation under such organizations are hereby confirmed and made valid and legal and effectual to the extent that the same would have been valid, legal and effectual if such organizations had been duly incorporated under the provisions of the eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth and twenty-first sections of the act above referred to.

Certificate of incorporation, acts and proceedings validated and confined.

How churches may become incorporated.

2. *And be it enacted*, That hereafter any Evangelical Lutheran church may at the option of the majority of the members thereof become incorporated under the provisions of the first and second sections of the act entitled "An act to incorporate trustees of religious societies," approved April ninth, one thousand eight hundred and seventy-five; *provided, however*, that nothing in this act contained shall in anywise apply to the Reformed church of America formerly Reformed Dutch church.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 25, 1884.

CHAPTER CLXXIX.

An Act to give certain active and exempt firemen the same advantages in respect to taxes and jury duty as now are or hereafter may be allowed to members of the national guard of this state.

Active and exempt firemen to receive same advantages as to taxes and jury duty as members of the national guard.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all persons enrolled as active or exempt members of any fire or hose company or hook and ladder organization under supervision or control of any common council, township committee or board of fire commissioners, or salvage corps under supervision or control of any duly authorized board of underwriters of this state, who do not receive more than one hundred and fifty dollars per annum for their services, shall be entitled to have and receive the same and no other advantages in respect to taxes and jury duty, as now are or hereafter may be allowed to members of the national guard of this state.

2. *And be it enacted*, That this act shall be deemed a public act and take effect immediately.

Approved April 25, 1884.

CHAPTER CLXXX.

A Further Supplement to an act entitled, "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," approved April fourteenth, one thousand eight hundred and and forty-six, (Revision of one thousand eight hundred and seventy-seven, page 1195.)

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section thirteen of the act to which this is a supplement be amended to read as follows:

Section as amended.

[13. *And be it enacted*, That if any township shall neglect at their annual town meeting to choose any of the officers directed by law to be chosen, or if any of the officers so chosen in any township shall refuse to serve, or shall tender to the township committee his resignation of such office, or shall die, or remove out of the said township, or become incapable of serving before the next annual meeting, then it shall be lawful for said township committee to accept such resignation, or to declare such office vacant, or both; and, in case a vacancy occurs as aforesaid, such township committee shall, by a writing, under their hands, appoint a person to fill such vacancy until the next annual town meeting.]

Section repealed.

2. *And be it enacted*, That section fourteen of the act to which this is a supplement, be and the same is hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately, and that all acts and parts of acts inconsistent with this act, be and the same are hereby repealed.

Approved April 25, 1884.

CHAPTER CLXXXI.

A Further Supplement to an act entitled, "An act concerning bridges and turnpikes," approved March twelfth, one thousand eight hundred and seventy-eight.

Bridges connecting with any county road or public highway may be purchased and acquired by board of chosen freeholders.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That in case any county road within the limits of any county of this state shall cross or connect with any bridge on any public highway belonging to or maintained by any incorporated town, borough, city, or any other corporation, such bridge may be purchased and acquired by the board of chosen freeholders of said county, in the manner prescribed by the act to which this is a supplement; *provided* that two-thirds of all the members of said board vote in favor of such purchase and acquisition.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 25, 1884.

CHAPTER CLXXXII.

A Supplement to an act entitled, "An act to regulate the practice of courts of law," (Revision), approved March twenty-seventh, eighteen hundred and seventy-four.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the one hundred and fifth section of the act to which this is a supplement be, and the same hereby is amended so that the same shall read as follows:

Section as amended.

[105. The plaintiff may file his declaration and serve a copy thereof on the defendant at the time of, or at any time after the issue of the summons, provided such filing and service shall not be after the time now limited by law; or, if he shall so elect, he may annex his declaration to the summons and deliver the same to the sheriff or other officer to whom the summons is directed and delivered, with as many copies of the summons and declaration as there are defendants to be served; in such case such sheriff or other officer, when he serves the summons, shall, at the same time, serve a copy of the declaration on each defendant, and shall return the declaration "served," adding the date of service, which return shall be proof of the service of the declaration and of the schedules, statements and notices thereon endorsed and thereto annexed, and the defendant shall file his plea or demurrer in thirty days after such service of the declaration, or on failure thereof, judgment shall be entered against him; *provided*, that there shall be endorsed on such declaration and on the copy served, a notice that unless the defendant shall appear and file a plea or demurrer within thirty days after the service of the declaration, judgment will be entered against him, and in every case where the declaration is served separately from the summons, the plaintiff, before entering judgment, shall file an affidavit of such service; the sheriff or other officer who serves the summons with the declaration annexed as above provided, shall receive the same fees for such service, as for the service of a summons alone, and no more, but he shall be entitled to, in addition to the fee now allowed by law for serving summons, a fee of twelve cents for returning the declaration, such fee to be taxed in the costs.]

Approved April 25, 1884.

CHAPTER CLXXXIII.

An Act concerning division of wards in cities of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city council or other legislative body of any city of this state, shall have power to divide one of the wards of said city into two wards once in five years; *provided*, three-fourths of the members of said legislative body shall agree thereto and the same shall be approved by the mayor of said city. Division of wards how made. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 25, 1884.

CHAPTER CLXXXIV.

Supplement to an act entitled, "An act to regulate the practice of courts of law," (Revision) approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no writ of certiorari shall hereafter be granted or allowed to review any assessment for taxes, to recover which taxes any sale has been had or made by virtue of any special or local law, or to review the proceedings of any such sale, unless such writ be granted or allowed within six years from the date or time of any such sale. Writs of certiorari not to be granted or allowed to review assessments unless granted within a certain time.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 28, 1884.

CHAPTER CLXXXV.

An Act for the better protection of life.

Number of passengers allowed to be taken aboard sail boats or vessels.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no more than thirty passengers shall be taken on board within this state or permitted to be on board, at any one time, of any sail boat or sailing vessel used or engaged in the business or occupation of carrying out to sea or upon the ocean, passengers or parties from any place or places within this state; *provided*, nothing in this act shall be construed to apply to any vessel carrying passengers between different ports of the United States, or from any port in the United States to any foreign port, nor to any vessel of more than one hundred tons register.

Proviso.

Penalty for violation of act.

2. *And be it enacted*, That the captain, sailing master or other person in charge of any sail boat or sailing vessel used or engaged as aforesaid who shall take or permit to be on board more than thirty persons, at one time, contrary to the first section of this act, shall be deemed guilty of a misdemeanor, and on conviction, shall be subject to fine or imprisonment, or both, the fine not to be less than five hundred dollars, or more than one thousand dollars, the imprisonment to be not more than three years.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 28, 1884.

CHAPTER CLXXXVI.

An Act to provide for the election of road overseers in their respective districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters of any township within this state wherein the overseers of roads have heretofore been elected at the annual town meeting, may at any town meeting by a majority vote pass a resolution or resolutions directing that hereafter the overseers of roads may be elected in their respective districts, by the legal voters residing therein, on Wednesday following the regular annual town meeting, in each and every year, and the overseers in each road district shall set up two notices in writing, in two public places in each road district, of election of overseers, stating the time and place of such election, which shall be between the hours of two and five o'clock, p. m., five days before the day herein fixed for such elections, and in case of the failure of any overseer to give such notice, then the town committee shall appoint some suitable person to fill any vacancy; said election may be by ballot or otherwise, as the meeting may determine.

Legal voters may direct that assessors of roads to be elected by districts.

Notice of election to be posted.

Vacancies how filled.

2. *And be it enacted*, That each overseer shall receive such salary as the voters in said road district shall vote him for every day he shall be employed in executing the duties of his office.

Salaries of overseers.

3. *And be it enacted*, That the said overseers shall perform all the duties required of them under the general statute; they shall see that all appropriations made by the town committee are faithfully worked out, and all bills of said overseers duly verified before a justice of the peace (or any person duly authorized to administer an oath), shall be presented to the town committee for examination and allowance; and any person interfering with the work of the overseers shall be liable to a penalty of twenty dollars with costs, for each offence, to be sued

Duties of overseers.

for and recovered by such overseers in an action of debt, such penalty shall be applied in working the road of which he is overseer.

4. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 28, 1884.

CHAPTER CLXXXVII.

An Act to authorize cities in this state in certain cases to extend streets now partly opened and to pay for such extension.

Cities authorized to open streets.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state the mayor and common council or municipal board of any such city having power to open streets, are hereby authorized and it shall be lawful for such mayor and municipal board to open any street, where such street is now opened, at both ends, but said street is not a continuous street by reason of the erection of buildings across such street between the present terminal points thereof, and such building or buildings, and the land whereon the same is or are erected is claimed under a title adverse to any claim which such city has or claims to have such portion of said land as would form a portion of such street if the same were not bisected or obstructed by such building or buildings, and the mayor and said municipal board of any such city are hereby empowered, for the purpose of extending such street through such buildings and over the lands so held under any adverse claim of title according to the full width of the street as now opened or laid out, to proceed to condemn such land and building or buildings, or so much thereof as would obstruct the said street if the same were continued as aforesaid.

May condemn lands.

2. *And be it enacted*, That when the mayor and common council of said municipal board of any such city mentioned in section one cannot agree with the owner or owners of such required lands and buildings for the purchase thereof, or when, by the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land and buildings so required as aforesaid by any city for the extension of such street or streets shall be given in writing by said mayor and common council or like municipal board of any such city, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the mayor and common council or said municipal board of any such city mentioned in section one to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state, to make publication thereof as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents in the county in which the land in controversy lies or the owners reside, commissioners to examine and appraise the said land and buildings, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein not less than ten days; and it shall be the duty of said commissioners (having first taken and subscribed an oath faithfully and impartially to examine the matter in question and to make a true report according to the best of their skill and understanding), to meet at the time and place appointed and to proceed to view and examine the said land and building, to make a just and equitable estimate or appraisement of the value of the same, and an assessment of the damages, to be paid by the mayor and common council or said municipal board mentioned in section one for such lands, buildings and damages

Proceedings in case city authorities and owners of lands required cannot agree.

Appointment of commissioners.

Commissioners to make report, &c.

Report to be filed.

aforesaid, which report shall be made in writing under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, or at such later date as said justice may order, together with the aforesaid description of the land, buildings and the appointment and oaths or affirmations aforesaid in the clerk's office of the county in which the land is situate, to remain of record therein, and thereupon and on payment or tender of payment of the amount awarded as hereinafter provided, or if for any reason a lawful tender cannot be made when upon depositing the money under an order of the said justice as he shall direct, the said mayor and council or said municipal board of any such city mentioned in section one is hereby empowered to enter upon and take possession of the said lands for the purposes aforesaid, and the said report, or a copy thereof, certified by the clerk of said county and proof of payment or tender of the amount awarded, shall at all times be considered as plenary evidence of the right of any city to have, hold, use, occupy, possess and enjoy the said land, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt in any court of competent jurisdiction in a suit to be instituted against the city, if the proper authorities shall neglect or refuse to pay the same for twenty days after demand made of them; and the said justice of the supreme court upon application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks and other persons performing any of the duties prescribed in this section as he shall think equitable and right, which shall be paid by the said city;

Proviso.

provided, always, that should the said city or the owner or owners of any of the land or any party in interest feel aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the next circuit court in the county wherein the said land may be.

Proceedings in case of appeal from report or decision of commissioners.

3. *And be it enacted*, That every appeal from the decision of the commissioners appointed under the preceding section shall be made in writing and in the form of a petition to said court, and filed with the clerk of the said circuit court of the county wherein the land appraised by

the said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceeding shall vest in the circuit court full right and power to hear and adjudge the same and to direct a proper issue for the trial of said controversy to be found between the said parties, and to order a jury to be struck and a view of the premises to be had, and the said issue to be tried at the next term of said court to be holden in the said county upon the like notice and in the same manner as other issues in the said court are tried, and it shall be the duty of the said jury to assess the value of the said land and building taken and the damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon with costs shall be entered against said city, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners and shall find a less sum than the said city shall have offered or the said commissioners shall have awarded, then said costs shall be paid by the said applicant or applicants, and either deducted out of said sum found by the said jury or execution awarded therefor as the said court shall direct; but such application shall not prevent the said city from taking the said land and buildings upon filing the aforesaid report; *provided*, Proviso. that in no case whatever shall said city enter upon or take possession of any land or building of any person or persons for the purpose of extending any street as aforesaid under this act, until they have paid or tendered to the party or parties entitled to receive the same the amount assessed by the commissioners as the value of such land, buildings or damages, in case the report of commissioners is not appealed from or if the same is appealed from then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal, and in case of appeal the amount found by the jury upon tender thereof being made, and failure to receive the same or upon payment thereof or shall be out of the state or under any legal disability, then the

payment of the amount assessed or found as aforesaid into the circuit court of the county wherein said lands lie shall be deemed a valid and legal payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners may upon tender thereof being made receive the same without being barred thereby from his or their appeal from the report of the commissioners; and on such tender or payment of the money into court in case it shall be refused as aforesaid, the said city shall be empowered to enter upon and take possession of said lands and buildings and proceed with the work of extending such street as aforesaid.

Act not to apply to street heretofore vacated.

4. *And be it enacted*, That nothing in this act contained shall authorize any mayor and common council or like municipal board to open or extend any such portion of any street as has been heretofore vacated by law.

Costs and expenses of opening streets by whom assessed.

5. *And be it enacted*, That the officers of any such city who are charged by law with the making of assessments for street improvements shall assess so much of the cost and expense of such opening upon the lands specially benefited thereby in proportion to the benefit received as is equal to the special benefit to said land; *provided*, that in no case shall the assessment exceed the special benefit and any excess over such special benefit shall be paid by the city at large by taxation, which said excess is directed to be raised by taxation, and the amount of the excess shall be placed in the tax levy of the following year.

Proviso.

City authorities authorized to borrow money and issue bonds, &c.

6. *And be it enacted*, That to provide moneys necessary to carry this act into effect the mayor and common council or like municipal board of any such city shall have power to borrow money in anticipation of the collection of the assessment and taxes above referred to either by temporary loans or by the issue of bonds to an amount not exceeding the cost of such purchase of any such street and buildings and making such improvement; said bonds having not more than ten years to run, and bearing interest at a rate not exceeding six per centum per annum, which bonds shall not be sold for less than their par value.

Moneys received for taxes and assessments to be appropriated to a sinking fund for payment of bonds.

7. *And be it enacted*, That all moneys received as principal and interest on account of said taxes and assessments for which said bonds shall be issued by virtue of

the provisions of this act, are hereby pledged and appropriated to a sinking fund to be established for that purpose for the payment of the principal of said bonds hereby authorized to be issued.

8. *And be it enacted*, That all acts and parts of acts, general, public, local or special, inconsistent with this act be and the same are hereby repealed, and this act shall take effect immediately.

Approved April 28, 1884.

CHAPTER CLXXXVIII.

A Supplement to an act entitled "An act for the organization of the national guard of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section thirty-three of the act to which this is a supplement be amended so as to read as follows: Section to be amended.

[33. *And be it enacted*, That the division commander shall appoint three experienced officers of the national guard, not below the rank of lieutenant colonel, who shall constitute an examining board for officers; the division commander may order before them for examination as to physical ability, moral character, capacity, attainments, efficiency and general fitness for the service, any officer in commission in the national guard; this board shall report to the division commander, who shall have power, on report of this board, to place said officer on the retired list, and declare a vacancy; and if any officer shall refuse to report himself, when directed, before this board, the division commander shall, by order, declare him so retired, and shall report such retirement to the adjutant general.] Section as amended.

Section to be amended.

2. *And be it enacted*, That section thirty of the supplement to the act of which this is a supplement, which was approved March fifteenth, one thousand eight hundred and seventy-eight, be amended so as to read as follows:

Section as amended.

[30. *And be it enacted*, That all general courts martial for the trial of officers above the rank of field officers shall be appointed by the commander-in-chief, and it shall be the duty of the judge-advocate-general to act as judge-advocate at such general courts martial; all general courts martial for the trial of field officers and officers of unattached companies shall be appointed by the major-general of division, and it shall be the duty of the division judge-advocate to act as judge-advocate at such general courts martial.]

Officers may designate who to preside at election in his absence.

3. *And be it enacted*, That when an officer whose duty it is to hold an election in accordance with law is prevented by sickness or otherwise from presiding at said election he may order an officer of his command to perform said duty, but he himself must certify the election in the manner now prescribed.

Uniforms furnished to whom charged and how paid.

4. *And be it enacted*, That whenever the regulation uniform adopted by this state has been or may hereafter be furnished to any command of the national guard, as many thereof as may be required for the non-commissioned staff of any regiment or battalion shall be issued to and charged against the account of the quartermaster of such regiment or battalion, and shall be paid for in the same manner as now prescribed by law for companies.

Major general may order encampment of national guard.

5. *And be it enacted*, That any portion of the national guard may be ordered by the major-general of division, with the approval of the commander-in-chief, to attend an encampment at such time and place and for such period as he may appoint under the same provisions as now prescribed by law, and the quartermaster-general may lease or purchase, with the approval of the commander-in-chief, a suitable ground for that purpose.

Section to be amended.

6. *And be it enacted*, That section eleven of the supplement to the act to which this is a supplement, which supplement was approved March fourteenth, one thousand eight hundred and seventy-nine, be and the same is hereby amended so as to read as follows:

[11. *And be it enacted*, That the term of service in the national guard shall be five years, and every non-commissioned officer, musician and private who is or may become attached to the national guard shall *ipso facto* be held to be enlisted therein and shall be holden to duty therein for the full term of five years from the date of such his enlistment unless disability incapacitate him or he shall remove from this state.] Section as amended.

7. *And be it enacted*, That section twelve of the supplement to the act to which this is a supplement, which supplement was approved March fourteenth, one thousand eight hundred and seventy-nine, be and the same is hereby amended to read as follows: Section to be amended.

[12. *And be it enacted*, That every officer of the national guard who shall have served therein for the term of five years upon the tender and acceptance of his resignation, and every non-commissioned officer, musician and private now belonging to or who shall hereafter enlist in the national guard who shall serve faithfully therein for the term of five years, shall, at his request, receive a discharge from the commander-in-chief entitling him to exemption thereafter from jury duty and from all militia duty, except in time of war and insurrection; to entitle any such officer, non-commissioned officer, musician or private to said privileges and exemptions, he shall have attended every division, brigade, regimental or battalion and company parade or paid the fine for any delinquency or have been excused therefrom by the proper authority.] Section as amended.

8. *And be it enacted*, That any regimental or battalion board having uniforms which have been discarded by the adoption of the state regulation uniform may in their discretion dispose of the same by sale or barter and any moneys thus derived shall be covered into the regular regimental or battalion fund of such regiment or battalion. Discarded uniforms may be sold.

9. *And be it enacted*, That the regulation uniform adopted by this state, when issued to any enlisted man of the national guard shall be held to be the property of the regiment or battalion board during the existence of the regiment or battalion, but at the disbandment thereof shall become the property of the state. Ownership of uniforms.

10. *And be it enacted*, That this act shall take effect immediately.

Approved April 29, 1884.

CHAPTER CLXXXIX.

An Act entitled an act in relation to statements by foreign fire insurance companies.

Foreign fire insurance companies may make statement of business done in United States only.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any foreign fire insurance company doing business within this state may at its option include in its statements to the secretary of state its foreign business and assets but shall be required to return only the business done in the United States, and the assets held by or for it within the United States for the protection of policy holders therein.

Companies making no report of foreign business not to publish or advertise same.

2. *And be it enacted*, That a company which does not make a return to the secretary of state of its foreign business and assets shall not make any publication, announcement or advertisement of the same within this state.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 30, 1884.

CHAPTER CXC.

An Act concerning cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any

city in this state, where any deficiency now exists in the fund for the payment of salaries of officers or employees of said city by reason of an insufficient appropriation made by the board of tax commissioners or other boards or departments having charge of the making appropriations for said city, by and through its common council or its board of finance or finance department to borrow money for the use of said city in such sum as shall be sufficient to pay said salaries until the expiration of the fiscal year of said city; *provided*, the amount of said loan shall not exceed six thousand dollars.

Departments may borrow money for payment of salaries of officers and employees.

Proviso.

2. *And be it enacted*, That there shall be put in the tax levy of the following year a sum sufficient to pay the loan made by virtue of the first section of this act with interest.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 30, 1884.

CHAPTER CXCI.

An Act concerning the construction of sewers in cities of this state.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That where in any city in this state, petitions for the construction of sewers are required to be signed by persons owning more than one-half of the lineal frontage of land along streets through which it is proposed to construct sewers it shall hereafter only be necessary that such petitions be signed by the persons owning at least one-half of the lineal frontage of land along the street through which it is proposed to construct the sewer.

Petition for construction of sewers to be signed by owners of one half of lineal frontage only.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 30, 1884.

CHAPTER CXCII.

An Act to repeal an act entitled "An act to further regulate the licensing of inns and taverns and places for the sale of malt, vinous, spirituous and other intoxicating liquors and drinks," approved March twenty-third, one thousand eight hundred and eighty-three.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to further regulate the licensing of inns and taverns and places for the sale of malt, vinous, spirituous and other intoxicating liquors and drinks," approved March twenty-third, one thousand eight hundred and eighty-three, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 30, 1884.

CHAPTER CXCIII.

An Act concerning county boards established for the protection of the public health and the registration of vital facts and statistics in counties of this state.

County boards of health established by law empowered to enact ordinances.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any county of this state in which there is or may be by law established a county board for the protection or preservation of the public health and the keeping of a record of vital facts and statistics therein and authorized to enact ordinances in relation thereto, such board shall be and hereby is declared

to be the only board in said county empowered to make or enact ordinances in relation to the public health or the registration of vital facts or statistics, any charter or law to contrary in anywise notwithstanding.

Board may adopt rules, &c.

2. *And be it enacted*, That said board may adopt rules or by-laws for its government and that of its officers and employees.

Authorized to appoint a health inspector.

3. *And be it enacted*, That said county board may appoint a health inspector for said county, who shall be a regularly graduated physician or chemist of some reputable school, university or college, who shall receive and be paid by the board of chosen freeholders of such county, an annual salary of not over fifteen hundred dollars a year, and who shall be subject to said board in the carrying out of their ordinances and the laws of this state in relation to the public health and the registration of vital statistics, and in a general supervision of the health and sanitary condition of said county, and whose office hours shall be from nine a. m. to five p. m. daily, legal holidays excepted, at the office of said board, or going to and fro in said county in the performance of his duties; and said inspector shall be subject to do duty at such other hours and times as said board shall, by resolution, determine to be necessary.

Annual salary and duties of inspector.

Board authorized to pass, alter, amend or repeal ordinances in relation to public health.

4. *And be it enacted*, That said board may and shall have power, at any special, regular or adjourned meeting thereof to pass, alter, amend or repeal ordinances in relation to the public health and the keeping of a registry of vital facts or statistics in said county, and in so doing—

I. To provide against the adulteration of all kinds of foods and drinks, or any kind of meat or vegetable not fit for human food, sold, for sale, or exposed for sale, or brought into said county for sale;

II. To declare what shall be nuisances, in lots, streets, docks, wharves, vessels, piers and all public or private places in said county or any part thereof, and to provide for the removal or abatement of such nuisances;

III. To prevent the spread of any dangerous epidemic or contagious diseases in said county or any part thereof, and to declare when the same has become epidemic;

IV. To regulate control or prohibit the keeping of all

kinds of animals, birds and beasts, and the slaughter of the same, in said county or any part thereof;

V. To regulate, control or prohibit the carrying on of all trades, manufactures in said county, which be noxious or offensive to the inhabitants of such county or any part thereof, and which is attended by noisome or injurious odors and otherwise injurious to their estates;

VI. To regulate, license and control all night scavengers, all dealers in bones, fat and animal offal or refuse whatsoever; also all bone and fat boiling or grease making establishments, to regulate and control the removal of all night soil in said county, and the cleaning of all privies, vaults, sinks and cesspools in said county or any part thereof;

VII. To regulate, control and prohibit the accumulating of manure, compost and all decaying or vegetable substances, in any place in said county, public or private;

VIII. To prohibit and remove any nuisance or offensive matter in any public highway, road, street, avenue, alleyway or other place, public or private, in said county, and to cause the removal of the same at the expense of the owner;

IX. To provide for the proper registration of all physicians, nurses and midwives in said county;

X. To compel the proper return of all births, deaths and marriages in said county, by physicians, midwives, nurses, clergymen, magistrates and all others professionally officiating at such death, birth or marriage, under the penalty for failure so to do as provided in the acts regulating the return of vital statistics in this state;

XI. To regulate the keeping of a registry of the vital statistics of said county in accordance with the state law as to the same;

XII. For all other such purposes as are connected with the public health or the registration of vital statistics and the practice of physicians, midwives and nurses in said county, with relation to such object;

XIII. To secure the sanitary condition of tenement houses, prisons and all public buildings in said county;

XIV. To regulate, control and prohibit the cleaning of sewers and the dumping of garbage, and the filling of sunken lots or marsh lands in any part of said county;

XV. To provide for the filling of sunken lots which have become the repositories of stagnant water in the built up portions of such county.

Ordinances, &c., to be published.

5. *And be it enacted*, That in the making of ordinances, said board may adopt and ordain or enact the same in the form of a code or each ordinance separate and apart by itself, and in all cases shall cause said code, ordinance or ordinances to be published for at least three weeks, once in each week, in at least one of the official newspapers of said county, the same to be paid for by the board of chosen freeholders of such county; and if in the form of a code, said board may add to, take from, alter, amend or repeal any section of said code as they may see fit, by publishing such alteration, amendment or repealer as aforesaid.

License fee may be changed.

6. *And be it enacted*, That said board may charge a license fee in all cases where it is authorized to do so by this act, not exceeding twenty dollars annually; *provided*, that this section shall not apply to any charge or fee in this act otherwise specially provided for.

Proviso.

Board may prescribe.

7. *And be it enacted*, That said board may prescribe a penalty for the violation of any of their ordinances or sections of any code they may make and ordain as aforesaid, not to exceed one hundred dollars, and not less than ten dollars, and every district court in any city in such county, and every justice of the peace in such county, and every police justice or recorder in any city in such counties, is hereby empowered on oath of affirmation made according to law, that any person or persons has or have violated any of the ordinances of any such board as aforesaid, to issue process in an action of debt at the suit of any such board as aforesaid, either in the nature of a summons or warrant, against the person or persons so charged, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, shall be returnable in not less than one, nor more than ten entire days, such process shall state what ordinance or section thereof of any such board is alleged to have been violated by the defendant or defendants, and the penalty demanded, and on the return of such process, or at any time to which the trial shall have been adjourned, the said court, justice of the peace,

Penalty for violation of ordinances.

Who authorized to issue process, &c.

police justice or recorder shall proceed to hear testimony and to determine and give judgment in the matter, without the filing of any pleadings; and a copy of the ordinance alleged to have been violated, certified to under the hand and seal of the clerk or president of such board, shall be taken as full and legal proof of the existence of such ordinance, and that all requirements of law in relation to the ordaining, publishing and making of the same, so as to make the same in all respects a legal and binding ordinance, have been complied with, unless the contrary be shown; and the said court, justice of the peace, police justice or recorder shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and person of the defendant or defendants; and said court, justice of the peace, police justice or recorder is further empowered to cause any such defendant, who may refuse or neglect to pay the amount of the judgment rendered against him or her, and all costs and charges incident thereto, unless an appeal is granted, to be committed to the county jail for any period not exceeding ninety days, and said court, justice of the peace, police justice or recorder is further empowered, in case any defendant shall have been twice convicted, within the space of six months of a violation of the same ordinance, and due proof of the same made, in addition to the payment of the appropriate penalty, to cause said defendant to be imprisoned in the county jail of the county, or the county workhouse, with or without hard labor, for any number of days not exceeding one (———) for each dollar of the penalty; the officers to serve and execute all process under this act, shall be the officers authorized by law to serve and execute process in said courts and before such magistrates and officers as aforesaid, including the constables of such counties and all police officers of said cities, members of said boards, all police officers, constables and health inspectors shall have the right to arrest, without warrant, any person in their presence violating any of the ordinances of such boards and to take the same forthwith before any police justice, justice of the peace or recorder in said city or county, who shall proceed to hear testimony and give judgment for or against such person so

Who to serve process, &c.

Persons violating may be arrested without warrant.

arrested, without any pleadings being filed; *provided*, such person be shown and have read to him the ordinance for the alleged violation of which he has been so summarily arrested; and provided further, that defendants in case of an adjournment or postponement of the trial or hearing, may be required to enter into a bond or recognizance in a reasonable sum, not to exceed one hundred dollars in any one case, for their future appearance to answer any charge made against them or any of them in pursuance of this act. Proviso. Proviso.

8. *And be it enacted*, That whenever any nuisance, source of foulness, or cause of sickness, hazardous to the public health shall be found on private property within said county the said board shall at once notify the owner to remove the same at his own expense within such time as the said board may deem the public health to require, a duplicate of the notification being left with one or more of the tenants or occupants, if the owner resides out of the state or cannot be reached with the notice speedily enough for the necessities of the public health; a notice left at the house or premises with the tenant or occupant shall suffice; if the owner thus notified shall not comply with such notification or order of the said board within the time therein specified, said board shall proceed to remove said nuisance, source of foulness, or cause of sickness, hazardous to the public health, and such board shall have a right to recover by action of debt, the expenses incurred by such board in such removal, from any corporation or any person or persons who shall have caused or allowed such nuisance, source of foulness or cause of sickness, hazardous to the public health, and from any owner, tenant or occupant of premises who, after notice as aforesaid, shall have failed to remove such nuisance, source of foulness or cause of sickness, hazardous to the public health, within the time specified in such notice; and in case such board fail to recover by such action an amount sufficient to defray such expenses or shall deem it inexpedient to bring such action, they may present a bill, certified by such board or by a majority thereof, for such expenses or for such part thereof as may not have been recovered by such action to the board of chosen freeholders

Nuisance on private property owner to remove on notice.

Failure to remove the board may proceed and collect expenses of owner or occupant of premises.

of the county who shall audit and pay the same in the manner provided for the payment of other bills or claims of said board; *provided, however*, that in case any injunction or stay of proceedings in any form is applied for to prevent any such board from proceeding with the removal of any alleged nuisance, source of foulness or cause of sickness, hazardous to the public health, such injunction shall not be issued until the said board has been notified to appear and be present at the hearing of such application, but the failure of the owner, tenant or occupant to cause removal, or the refusal of the court applied to to grant an injunction or stay of proceedings shall not prevent the party or parties making the application from any suit at law and recovery of damages, if the alleged nuisance be shown to have been in no way hazardous or prejudicial to the public health, but in no case shall such damages be allowed or recovered unless it be shown that the board abating such alleged nuisance had no probable cause for their action in the premises.

Proviso.

Board authorized to proceed in courts for abatement of nuisances.

9. *And be it enacted*, That any such board shall have power and authority in its proper name to maintain any bill in chancery, or other proceeding at law or equity, for the abatement of any public or private nuisance, within the limits of any such county, where it shall be made to appear by the pleadings and proof that such nuisance is of a character for the abatement of which any resident or property owner living in the neighborhood or vicinity thereof and affected thereby could have maintained a like bill or action, and the court in any such suit shall take like proceedings and grant like injunctions or make such order or decrees as in case of proceedings taken in the name of a resident citizen or property owner specially injured in person or property by such alleged nuisance.

Costs how to be awarded.

10. *And be it enacted*, That costs shall not be awarded as of course against such board in case its said bill shall be dismissed, but only in case it shall be made to appear to the chancellor that no probable cause existed for bringing such suit.

Powers and duties of county boards not altered or changed except by act.

11. *And be it enacted*, That any county board of health or county board of health and vital statistics now existing in any county of this state under or by virtue of any law, general or special, the powers and duties of the same shall remain as heretofore except in so far as they have been altered, changed or diminished by this act.

12. *And be it enacted*, That any ordinance or ordinances of the character provided for in the grants of power contained in this act heretofore adopted or enacted by any such county board as is named in the preceding section of this act shall be deemed and taken to be as binding and effective hereafter for the purposes designated in this act as if the same were adopted or enacted in pursuance of this act. Ordinance heretofore passed deemed binding and effective.

13. *And be it enacted*, That this act shall take effect immediately.

Approved May 5, 1884.

CHAPTER CXCIV.

An Act to prohibit the manufacture and sale of impure and imitation dairy products.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person or corporation shall manufacture out of any oleaginous substance or substances, or any compound of the same, other than that produced from pure milk or of cream from the same, any article designed to take the place of pure butter or cheese produced from pure milk or cream, or shall sell or offer for sale the same as an article of food; *provided*, that this shall not apply to pure skim milk cheese made from pure skim milk. Unlawful to manufacture or sell impure and imitation dairy products. Proviso.

2. *And be it enacted*, That any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than three hundred dollars, or by imprisonment for not less than six months or not more than one year, or both fine and imprisonment, at the discretion of the court. Penalty for violation of act.

3. *And be it enacted*, That public prosecutors shall take cognizance of this act and shall prosecute all offences against its provisions. Offences by whom prosecuted.

Repealer.

4. *And be it enacted*, That all acts or sections of acts inconsistent with this act be and the same are hereby repealed.

Approved May 5, 1884.

CHAPTER CXCV.

An Act relative to the expenses of the departments or bureaus of surveys in cities of the second class.

Cities of second class may make annual appropriations for employing assistants to city engineer or surveyor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen or common council of cities of the second class, to annually appropriate and expend for the purpose of employing assistants to the city engineer or surveyor, such sum or sums, in addition to the amount now limited by law, as such board or council shall deem necessary and expedient for the purpose of efficiently performing the work of the department or bureau of surveys.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 5, 1884.

CHAPTER CXCVI.

An Act to repeal an act entitled "An Act relating to the opening of by-roads," approved March thirty-first, one thousand eight hundred and eighty-two.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act relating to the opening of by-roads," approved March

thirty-first, one thousand eight hundred and eighty-two, be and the same is hereby repealed; *provided, however,* that this act shall not be held or construed so as to prevent the laying out, as a public road, any by-road an application for the laying out of which shall have been made to any township committee of any township in this state prior to the passage of this act, but the act hereby declared to be repealed shall remain in force and be binding upon all township committees and courts in this state, so far as regards any by-roads, application for the laying out of which has heretofore been made. Proviso.

2. *And be it enacted,* That this act shall take effect immediately.

Approved May 5, 1884.

CHAPTER CXCVII.

A Supplement to an act entitled, "An act for the support of the New Jersey state reform school for boys," approved March thirty-first, eighteen hundred and eighty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the first section of the act entitled "An act for the support of the New Jersey state reform school for boys," approved March thirty-first, one thousand eight hundred and eighty-two, be amended so as to read as follows: Section to be amended.

[1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey,* That it shall be the duty of the trustees of the New Jersey state reform school for juvenile delinquents to make and submit a report to the governor of the state at the expiration of every three months, dating from January first, anno domini one thousand eight hundred and eighty-four, showing the average number of boys maintained in the school during such Section as amended.

period, which said report shall be duly certified by the president, and attested by the secretary of the board; and in order to support the said school, the treasurer of this state shall pay, out of any moneys in the treasury not otherwise appropriated, to the treasurer of the New Jersey state reform school, such a sum as shall be considered necessary by the trustees and governor of this state for the maintenance of the said school for the succeeding three months, such sum not to exceed the maximum amount of twenty-five dollars for each boy maintained in said school for the three months preceding; such sum to be paid upon a warrant of the comptroller.]

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 5, 1884.

CHAPTER CXCVIII.

An Act concerning cities.

Where anticipated revenues have been appropriated board of finance may borrow, temporarily amount of same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any case where anticipated revenues have been or shall be appropriated in the annual appropriations of any city, it shall be lawful for any board of aldermen or common council now having by law the control of the finance of such city to borrow temporarily, in the name of such city, any sum not exceeding the amount of such anticipated revenue.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 9, 1884.

CHAPTER CXCIX.

An Act providing an additional appropriation for the support of the New Jersey home for disabled soldiers.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That in addition to the appropriation now authorized by law, the further sum of twelve thousand dollars is hereby appropriated for the support of the New Jersey home for disabled soldiers for the current year. Additional appropriation for current year.

2. *And be it enacted*, That said sum shall be expended under the direction of the board of managers of said home, and the state treasurer is hereby directed and authorized to pay the same to the treasurer of said home on the warrant of the comptroller of the state treasury, out of any moneys in the treasury of the state not otherwise appropriated. By whom expended and paid.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 9, 1884.

CHAPTER CC.

An Act to regulate the constructing and maintaining, across the fresh water streams of this state, of pipe-lines through which petroleum is conveyed, and to place such pipe-lines under the control of the state commissioners of water-supply.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the term "pipe-line" Definition of term "pipe-line."

wherever used in this act shall mean any conduit through which petroleum or any of its products is conveyed or intended so to be.

To be constructed across fresh water streams only in certain manner.

2. *And be it enacted*, That hereafter it shall not be lawful to construct any pipe-line across any fresh water streams in this state except in the manner to be approved by the state commissioners of water-supply.

To be reconstructed where there is danger of contents escaping into fresh water streams.

3. *And be it enacted*, That if any pipe-line now existing or hereafter constructed is, or shall be, so constructed that there is danger of the escape of its contents into any of the fresh water streams of this state, it shall be reconstructed or removed in accordance with the provisions of this act.

Commissioners to give notice to owners when of opinion that there is danger of contents escaping.

4. *And be it enacted*, That whenever the said commissioners shall be of the opinion that any pipe-line now existing, or hereafter constructed, is so constructed that there is danger of the escape of its contents into any of the fresh water streams, springs, rivers, or the tributaries thereof, or in the waters of any lake, pond, storage reservoir or conduit from which water is drawn, of this state, they shall give notice in writing, of such opinion, to the owners or users of such pipe-line, specifying the location and extent of the portion of such pipe-line, which, in their opinion, is so constructed, and naming a time and place, to hear such owners or users on the subject; if either of such owners or users be a corporation, such notice may be served on any of its officers, agents or servants.

Commissioners to give like notice if they decide that there is danger of contents escaping.

5. *And be it enacted*, That if after having afforded the owners or users of such pipe-line an opportunity to be heard, on such notice, said commissioners shall decide that the portion of such pipe-line, specified in such notice, is so constructed that there is danger of the escape of its contents into any of the fresh water streams of this state, or into the springs, rivers, or the tributaries thereof, or in the waters of any lake, pond, storage reservoirs or conduit from which water is drawn, they shall give like notice of such decision.

Owners or users to submit to commissioners written specifications for reconstruction of pipe-line, &c.

6. *And be it enacted*, That within fifteen days after such service of notice of such decision, the owners or users of such pipe-line shall submit to said commissioners written specifications for the reconstruction of the

portion of such pipe-line specified in such decision; the said commissioners shall thereupon give like notice to such owners or users of approval of such specifications, or if they do not approve the same, then they shall specify by like notice the manner of reconstruction thereof, which they do approve, and said portion of said pipe-line shall thereupon be reconstructed by the owners or users thereof, at their own expense, in the manner approved by said commissioners.

To be reconstructed at expense of owner or users.

7. *And be it enacted*, That if the reconstruction, in the manner approved by said commissioners of the portion of such pipe-line specified in their decision, shall not be begun within thirty days after service of the last named notice, and continued with such dispatch as to the said commissioners shall appear reasonable, then it shall be the duty of the said commissioners to remove, or cause the removal, of the portion of such pipe-line specified in their decision, or any part thereof, and the cost and expense of such removal shall be recoverable at law in any court of competent jurisdiction, by the said commissioners in the name of the state of New Jersey, from the owners or users of such pipe-line.

If construction of pipe-line is not begun within certain time, &c. commissioners to remove same.

Expenses of removal to be recovered from owners or users.

8. *And be it enacted*, That in such case said commissioners are hereby authorized to enter upon any lands, bridges or structures, for the purpose of removing any part of the portion of such pipe-line specified in their decision, and shall not be liable for any damage done to said lands, bridges or structures by such removal, nor for any damage resulting from such removal, but the same shall be recoverable at law in any court of competent jurisdiction, from the owners or users of such pipe-line.

Commissioners authorized to enter upon lands, &c., for purpose of removing pipe-line.

9. *And be it enacted*, That any order, decision, judgment or proceeding of the said commissioners, under the provisions of this act, may be reviewed on certiorari, and the court shall inquire into the merits of the case and may determine disputed questions of fact as well as of law, in such manner as is according to the practice of the court, and may reverse or amend such order, decision, judgment or proceeding, in such manner as to the court shall seem reasonable and just; and in any case where by the rupture or leakage of the pipe line, injury is done to the waters of any river, or the tributary thereof, or to

Proceedings of commissioners may be reviewed on certiorari.

When injury is done to waters by rupture of pipe-line commissioners may apply for immediate remedy.

the waters of any lake, pond, storage reservoir or conduit from which potable water is drawn, or which are used for furnishing a public water supply, the state commissioners are hereby authorized to apply directly to any court of competent jurisdiction in this state for an immediate remedy either at common law or by equity proceedings as they may deem advisable.

10. *And be it enacted*, That if any pipe-line shall hereafter be constructed or maintained across any fresh water stream in this state except in the manner approved by the state commissioners of water-supply, the owners or users so constructing or maintaining the same shall be liable to a penalty of five hundred dollars for each day they shall delay reconstructing the same as shall be or shall have been approved by the said commissioners according to the provisions of this act, which shall be recoverable at law in any court of competent jurisdiction, by the said commissioners, in the name of the state of New Jersey, from the owners or users of such pipe-line; *provided, however*, that the owners of pipe-lines now constructed shall not be liable to this penalty until after due notice and hearing, as provided in this act; *and provided, further*, that nothing shall be so construed in this act as to relieve the owners or users of pipe-lines from liability for damages which may ensue by reason of breakage or leakage notwithstanding said pipes were constructed according to the direction and with the approval of the state commissioners of water-supply.

Proviso.

Proviso.

State commissioners of water supply.

11. *And be it enacted*, That the state commissioners of water-supply referred to in the title and body of this act are the commissioners appointed under chapter one hundred and eighty-nine, laws of one thousand eight hundred and eighty-two, and their successors however appointed or designated.

12. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved May 9, 1884.

CHAPTER CCI.

An Act to amend an act entitled "An act to establish a system of public instruction," (Revision) approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That sections eighty-seven and eighty-eight of the act entitled "An act to establish a system of public instruction," (Revision,) approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same are hereby amended to read as follows : Section to be amended

[87. *And be it enacted*, That it shall and may be lawful for the inhabitants of each district, when met in conformity to the provisions of the eighty-sixth section of this act, or at the call of the trustees, as provided in the eleventh division of the thirty-ninth section of this act; and the inhabitants so met shall have power by the consent of a majority of those present, to authorize the trustees for the purpose of purchasing land for school purposes, or for the purpose of building a school house or school houses in such district, to issue bonds of the district in the corporate name of such district in such sums and in such amounts, and payable at such times as the inhabitants so met may direct with interest, at a rate not exceeding six per centum per annum, payable half yearly; which bonds shall be signed by the trustees of such district and attested by the clerk under the seal of the district; and the bonds so issued shall be a lien upon the property of the said district. May authorize trustees to issue bonds to build school houses, &c. Bonds, when due, rate of interest.

[88. *And be it enacted*, That the bonds of the several school districts of this state, heretofore or hereafter legally issued for the purpose of building school houses, shall be a lien upon the real and personal estates of the inhabitants of the said districts, as well as the property of the said districts; and the property of the inhabitants Bonds to be a lien upon real and personal estate of inhabitants as well as the property of the districts.

Proceedings to be submitted to attorney general.

as well as the property of the districts shall be liable for the payment of the same; and the interest on said bonds shall be payable semi-annually, and coupons shall be attached thereto; and in all cases copies of all papers and proceedings authorizing the issuing of such bonds shall be submitted to the attorney-general for his approval of the legality of the same, who shall receive such compensation for the examination of the same as shall be fixed by the trustees for the support of public schools, which sum shall be paid by the districts seeking such loan.]

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 9, 1884.

CHAPTER CCII.

An Act to authorize the compromise and discharge of claims against one or more of several joint debtors or co-partners.

Upon dissolution of co-partnership firm any one or more members thereof may make separate compromise with creditors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any co-partnership firm shall have been, or shall hereafter be, dissolved by mutual consent or otherwise, it shall and may be lawful for any one or more of the individuals, who was or were embraced in said co-partnership firm, to make a separate composition or compromise with any one or all of the creditors of such co-partnership firm; and such composition or compromise shall be a full and effectual discharge to the debtor or debtors making the same, and to them only, of and from all and every liability to the creditor or creditors with whom the same is made or incurred by reason of his or their connection with such co-partnership firm.

2. *And be it enacted*, That every such debtor or debtors, making such composition or compromise, shall take, from

the creditor or creditors with whom he may make the same, a note or memorandum, in writing, exonerating him or them from all and every individual liability incurred by reason of such connection with such co-partnership firm, which note or memorandum may be given in evidence by such debtor or debtors under the general issue in bar of such creditors right of recovery against him or them; and if such liability shall be by judgment in any court of record in this state, then, on producing to and filing with the clerk of such court the said note or memorandum, in writing, duly acknowledged, by the party or parties making the same, in the same manner as a satisfaction of judgment is now required by law to be acknowledged, such clerk shall discharge said judgment of record, so far as the said compromising debtor or debtors shall be concerned, and the ratable portion or portions of said debtor or debtors so released shall be credited as a payment or payments on account of said judgment.

Debtor making compromise to take from creditor making same a memorandum exonerating him from liability.

If liability be by judgment of court, upon producing and filing memorandum with clerk thereof, judgment to be discharged of record.

3. *And be it enacted*, That such compromise or composition with an individual member or members of a firm, shall not be so construed as to discharge the other co-partners, nor shall it impair the right of the creditor to proceed at law or in equity against the members of such co-partnership firm who have not been discharged for the balance of said partnership debt after the ratable portion or portions of said debtor or debtors so released shall have been deducted therefrom; and the member or members of such co-partnership firm so proceeded against shall be permitted to set-off any demand against said creditor or creditors which could have been set-off had such suit been brought against all the individuals composing such firm; nor shall such compromise or discharge of an individual of a firm prevent the other members of such firm from availing themselves of any defense at law or in equity that would have been available had this act not been passed, except that they shall not set up the discharge of one individual as a discharge of the other co-partners, unless it shall appear that all were intended to be discharged, except as above provided.

Compromise of member of firm not to discharge other co-partners &c.

4. *And be it enacted*, That such compromise or composition of an individual of a firm with a creditor of such firm, shall in no wise affect the right of the other co-part-

Compromise not to affect right of other co partners to call on person making compromise for his ratable portion of co-partnership debt.

ners to call on the individual making such compromise for his ratable portion of such co-partnership debt, the same as if this law had not been passed.

Provisions extended to joint debtors.

5. *And be it enacted*, That the foregoing provisions in reference to co-partners of a firm shall extend to joint debtors, who are hereby authorized individually to compound or compromise for their joint indebtedness with like effect in reference to creditors and to joint debtors of the individual so compromising as is herein provided in reference to co-partners.

6. *And be it enacted*, That this act shall take effect immediately.

Approved May 9, 1884.

CHAPTER CCIII.

An Act to amend an act entitled "An act for the formation of borough government in seaside resorts," approved March twenty-ninth, one thousand eight hundred and seventy-eight.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty-three of the act to which this is a supplement be and the same is hereby amended to read as follows;

Duties and power of mayor.

[23. *And be it enacted*, That it shall be the duty of the mayor of such borough to see that the laws of the state and the ordinances of the borough are faithfully executed in such borough, and to recommend to the council such measures as he may deem necessary or expedient for the welfare of the borough; he shall maintain peace and good order in said borough, and shall have power to suppress all riots and tumultuous assemblies, and cause to be arrested on his view, without process or warrant, and to commit for trial all persons violating or whom he has reason to believe have violated the laws of this state or

the ordinances of the borough; he shall have authority, on complaint made to him on oath or affirmation, to cause any person or persons to be brought before him for any breach of peace or violation of any law of this state committed within said borough, or for disturbing the public tranquility in the borough, and shall require such offender or offenders to enter into recognizance or commit them to the county jail to answer the charges before the county court; he shall be entitled to the same fees and possess the same power, authority and jurisdiction that is by law vested in justices of the peace of the several counties of this state in both civil and criminal causes; the borough marshal and policeman of said borough shall execute anywhere within the county in which said borough is situated, all and every process issued by said mayor in pursuance of the authority conferred; and shall have power to arrest and take into custody, without warrant, any offender or offenders against the by-laws and ordinances of said borough, and to confine said offender or offenders in a place provided by said council, until a hearing can be had before the mayor or one of the justices of the peace of said county; *provided*, that such hearing shall be held within twenty-four hours, unless a Sunday should intervene, and in such case within forty-eight hours after the arrest of the offender or offenders; that said borough marshal shall possess the same powers, take the same obligation, perform the said duties, be subject to the same penalties and receive the same fees as any constable of any township in this state.]

Entitled to same fees and vested with same powers as justice of the peace, &c.

Proviso.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

Approved May 9, 1884.

CHAPTER CCIV.

A Supplement to an act concerning roads, approved March twenty-seventh, A. D. eighteen hundred and seventy-four.

Section amended.

Freeholders may lay out open or change by-road.

Proviso.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the thirty-sixth section of the act to which this is a supplement be amended to read as follows, to wit, that if any by-road heretofore used as such by the inhabitants of this state, although not laid out agreeable to law, shall be shut up or rendered impassable, whereby the said inhabitants may be put to immediate inconvenience or difficulty; or, if any person or persons over whose lands said by-road shall pass shall desire to change or alter the same, then any person so aggrieved or desiring to alter or change said by-road may apply in writing to three of the chosen freeholders of the county nearest to the said by-road to lay out, alter or change the said road, and the said freeholders are hereby authorized to lay out, alter or change the same; *provided*, the said by-road shall not be so altered or changed as to place the same on any other person or persons' land, which shall remain as a private road until it be vacated or altered as in the manner directed in the fourth section of this act.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 9, 1884.

CHAPTER CCV.

An Act to authorize the construction, curbing and paving of sidewalks and crosswalks in townships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of any township in this state, on the application of the owners of one-half in running feet of lots fronting or bordering upon any public road or street in such township, or any section of such public road or street by ordinance, to direct sidewalks and crosswalks to be constructed, curbed and paved along one or both sides of such public road or street, or along one or both sides of any section of such public road or street, not exceeding the limits applied for, in such manner and with such materials as said township committee shall deem advisable; *provided*, that if the grade of the public road or street, or of the section thereof, along which such sidewalks and crosswalks are proposed to be constructed shall have been established in accordance with any law, general or special, previous to the passage of the ordinance directing the construction, curbing and paving of such sidewalks and crosswalks then the grade of such sidewalks and crosswalks shall be made to conform as nearly as practicable to the grade of such public road or street, or of such section thereof; *and provided further*, that the width of any sidewalk shall not exceed one-fifth of the width of the public road or street.

Lawful for township committee to direct side or crosswalks to be constructed.

Proviso

Proviso.

2. *And be it enacted*, That after the passage of any ordinance as aforesaid, it shall be the duty of the township committee to cause a notice signed by the chairman of said committee, to be published in a daily newspaper printed and circulating in such township, or if none be printed in such township, in a daily newpaper printed in the county and circulating in such township, for five consecutive days (Sundays excepted), which notice shall require the owner or owners of each lot in front of which,

Township committee cause notice to be published requiring owners of lots to construct sidewalks.

or bordering which, a sidewalk shall, by such ordinance be directed to be constructed, curbed and paved, to construct, curb and pave the same in the manner prescribed in such ordinance within such time as the township committee shall direct, not being less than thirty days after the fifth day of such publication as aforesaid.

If owners neglect to construct sidewalks within certain time township committee to have same constructed.

3. *And be it enacted*, That if any owner or owners of lots shall neglect or refuse to construct, curb and pave sidewalks within the time limited in such notice as aforesaid, it shall be the duty of the township committee to have the same constructed, curbed and paved, and also to have constructed all necessary crosswalks, which work shall be done under the supervision of the township committee, or of such person or persons as they shall designate for that purpose, not being a contractor or contractors for the work so done.

When work of construction, &c., exceeds certain sum committee to advertise for proposals.

4. *And be it enacted*, That whenever the work of constructing, curbing and paving such sidewalks as the owners shall have neglected or refused to construct, curb and pave, together with the work of constructing, curbing and paving sidewalks at the intersections of streets, and the work of constructing crosswalks, and the expenses of surveying, calculations, maps, printing, fees, and other necessary expenses appertaining to such work, shall be estimated by the township committee to exceed the sum of two hundred dollars, it shall be the duty of the said township committee to advertise for proposals to do said work and furnish all necessary materials, for not less than five days in a newspaper printed in the county and circulating in such township, and shall award the contract to the lowest bidder or bidders, who shall give satisfactory proof of his or their ability to furnish the requisite materials and perform the work properly, and offer sufficient security for the faithful performance of the contract in regard to time, quality of material and work to be done.

Contract to be awarded lowest bidder.

Owner constructing sidewalks after advertisement not entitled to reduction.

5. *And be it enacted*, That if the owner of any lot of land shall construct, curb and pave any sidewalk after the township committee shall advertise for proposals as aforesaid, and before the expiration of the time within which the contractor or contractors may be limited to do the same, such owner shall not be entitled to any abatement

or reduction on account thereof, but shall be and remain liable to the township for the full amount of the assessment to be made upon such owner as hereinafter directed.

What advertisement shall require.

6. *And be it enacted*, That the advertisements herein directed to be made for proposals shall require: first, a separate bid for the substantial grading necessary to raise or reduce the ground on which the sidewalks and cross-walks are to be constructed to the grade which the ordinance shall establish as the grade of the curb of such sidewalks, and for the furnishing of materials, the incidental grading and the laying and finishing of the crosswalks, and for the furnishing of materials, the incidental grading and curbing, paving and finishing of those portions of sidewalks that shall lie in the angles at the intersections of streets; second, a separate bid for the furnishing of materials, the incidental grading and the curbing, paving and finishing of all the sidewalks which shall be in front of, or border upon, any lots of land.

When work completed certain expenses to be added to contract price.

7. *And be it enacted*, That when the construction, curbing and paving of such sidewalks and crosswalks shall have been completed, it shall be the duty of the township committee to add to the contract price of the work and materials specified in the second subdivision of the next preceding section, such part of the expenses of surveying, calculations, maps, printing, fees and all other necessary expenses appertaining to the construction of such sidewalks (exclusive of the contract work) as the contract price of the work and materials specified in such second subdivision is of the contract price of the work and materials specified in both of the subdivisions of the next preceding section, to which sum shall be added interest thereon at six per centum per annum for three months, which last sum shall be the amount to be assessed upon the owners of lots in front of which, or bordering which, such sidewalks have been constructed, curbed and paved.

To be amount to be assessed upon owners.

To ascertain cost per lineal foot.

8. *And be it enacted*, That the township committee having ascertained the total amount to be assessed upon the owners of lots as aforesaid, shall proceed to ascertain the cost per lineal foot of the same; that said cost per lineal foot shall be the basis of assessments; and that the

To be basis of assessments.

township committee shall then by a resolution to be entered in the minutes of their proceedings, assess upon the owner or owners of each lot in front of which, or bordering which, such sidewalks shall have been constructed, a sum proportionate to the number of lineal feet of sidewalk in front of, or bordering upon, such lot, which assessment shall include the name or names of the owner or owners, if known, a brief description of the location of the lot, the number of lineal feet of sidewalk in front of, or bordering upon, the lot, and the total amount of the assessment; and all such assessments shall become due and payable at the expiration of three months from the time of entering the same in the minutes of the township committee as aforesaid.

Sum to be assessed upon owner of lots.

Assessments, when due.

Collection of assessment.

9. *And be it enacted*, That within five days after the assessments shall have been entered in the minutes as aforesaid, the township clerk shall deliver a certified copy of the same to the collector of taxes in such township, who shall within fifteen days after receiving the same demand payment of the sum so assessed upon the owner or owners of each lot of land by delivering to the owner of each lot, or to one of the owners of each lot, residing within his township, or by leaving at the place of residence of any owner residing within his township, or by delivering to the agent of any such owner or owners, a notice in writing or printed, which notice shall set forth the name or names of the owner or owners, a brief description of the location of such lot, the number of lineal feet of sidewalk in front of or bordering upon such lot, the amount of the assessment, and the time when the same shall become due and payable; and if any owner or owners shall reside out of his township the said collector shall within the same time send a like notice to him, her or them, by mail with postage prepaid, directed to his, her or their last known post-office address.

Assessment to be a paramount lien.

10. *And be it enacted*, That every assessment made as hereinbefore directed shall be and remain, from the date of entering the same in the minutes of the township committee a first and paramount lien upon the lot of land described in such assessment for the space of two years from the time the same shall have been entered in the minutes as aforesaid, notwithstanding any devise, descent,

alienation, mortgage, lien or incumbrance of any kind, legal or equitable, and notwithstanding any mistake in the name or names of any owner or owners, and notwithstanding any omission to name any owner or owners who are unknown, and notwithstanding any lack of form in the assessment, or in any other proceedings, which does not impair the substantial rights of the owner or owners, or other person or persons having a lien upon or interest in any such lot of land.

If assessment not paid when due interest to be added.

11. *And be it enacted*, That if any assessment shall not be paid at or before the time when the same shall become due and payable as aforesaid, it shall be the duty of the collector to demand and collect in addition to the amount of the assessment interest thereon at the rate of ten per centum per annum from the time the same shall become due and payable until the same shall be fully paid.

When assessments in arrear for six months, collector to return copy of assessments, &c.

12. *And be it enacted*, That in case any assessments shall remain unpaid and in arrears for the space of six months from and after the time when said assessments shall be entered as aforesaid in the minutes of the township committee, it shall be the duty of the collector, at the next meeting of the township committee after the expiration of said period of six months, to return to them the certified copy of assessments with a list of the names of the owners from whom he has collected assessments and the amounts from them respectively collected, which list shall be annexed to said certified copy of assessments and shall be verified by the oath of the collector; *provided*, that if the collector's term of office shall expire before the expiration of the said period of six months, he shall upon the expiration of his term of office or at the first meeting of the township committee thereafter, make a return to the township committee in like manner as if the said period of six months had expired, and the certified copy of assessments, together with said list of names and moneys collected, so returned as aforesaid, shall in such case be delivered to said collector's successor in office, who shall proceed to collect the assessments shown by such certificate and the return thereto annexed, to be unpaid, and at the expiration of said period of six months shall likewise make return to the township committee under oath.

Proviso.

Collection of assessments remaining unpaid for six months.

13. *And be it enacted*, That it shall be lawful for the township committee upon receiving the return made a aforesaid after the expiration of said period of six months to cause a warrant to be issued, which warrant may include the names of any number of owners shown to be delinquent by said return, and shall also include the date of entering the assessments in the minutes of the township committee, a description of the location of each lot of land, the number of lineal feet of sidewalk in front of or bordering upon each lot, and the amount of the assessment against the owner or owners of each lot, under the common seal, if any, of the township, signed by the chairman of the township committee and attested by the township clerk, directed to the collector of taxes of such township, commanding him to make said assessments, with the interest, and all lawful costs, fees, charges and expenses appertaining to the execution of said warrant, out of the lots of land on account of which such assessments were respectively made, by selling the same, or any part thereof as will be sufficient for that purpose, for the shortest term, not exceeding fifty years, for which any person or persons will agree to take the same and pay such assessments, with the interest and all costs, fees, charges and expenses, and further directing the said collector to make return of said warrant with all his proceedings thereunder, in writing, to the township committee within four months from the date thereof.

Warrant to be recorded by clerk of township.

14. *And be it enacted*, That the said warrant shall be recorded by the clerk of said township before its delivery to said collector in the township book known as the "record of tax sales."

Collector to advertise notice of sale.

15. *And be it enacted*, That it shall be the duty of the said collector before he sells by virtue of such warrant to give public notice of the time and place of such sale of any lots of land under this act, by advertisement signed by such collector, in a newspaper printed and circulating in said township, or if none be printed in said township, in a newspaper printed in the county and circulating in said township wherein such lots of land are situate, once in each week, for at least four weeks successively next preceding the time appointed for such sale and shall cause copies of such notice to be set up in five

of the most public places in said township for the same period, and shall forthwith mail a copy of such notice to the owner or owners of each lot to be sold, directed to him, her or them, at his, her or their last known post office address, with full postage prepaid thereon; *provided*, that such sale may be adjourned on application of the owner or other person interested therein or because of no bidders, from time to time, not exceeding sixty days, in which case a short notice of such adjournment shall be published in said newspaper. Proviso.

16. *And be it enacted*, That it shall and may be lawful for the said collector, at the time and place specified in the above notice, or at the time and place to which he shall adjourn as aforesaid, to sell and strike off such lots of land set forth in such warrant, or any part thereof, to such person or persons as will agree to take the same for the shortest term, not exceeding fifty years, and pay such assessments as may be imposed as aforesaid on account thereof, and the interest thereon, and all costs, fees, charges and expenses touching the same, such payment to be made in all cases before the conclusion of such sale, and if not so made, the collector shall re-sell the property; and that within ten days thereafter the said collector shall deliver to the purchaser a certificate of such sale, under his hand and seal, and duly acknowledged according to law; such certificate shall contain a description of the property, the term for which sold, the amount of assessments, interest, costs, fees, charges and expenses in detail, the date of entering the assessment in the minutes of the township committee, the date of the warrant under which the sale was made, and the time when the right to redeem shall expire. Sale of property by collector. Certificate of sale.

17. *And be it enacted*, That the said collector shall return said warrant to said committee within the time therein required, together with all of his proceedings thereunder in writing, and he shall annex thereto copies required by this act, to be by him given, published, mailed and posted, with proof of such publication, posting and mailing, and an oath or affirmation by said collector, that the said return is true, full and complete in all respects. Collector to return warrant and proceedings to committee.

18. *And be it enacted*, That the clerk of such township

Clerk of townships to record returns.

shall record said return (the warrant only excepted), and the papers thereto annexed, in the aforesaid "record of tax sales," at length, immediately succeeding the record of such warrant, space being reserved for the purpose.

Certificate of sale to be recorded within certain time, &c.

19. *And be it enacted*, That the purchaser shall cause such certificate of sale to be recorded in the county clerk's office, or in the office of the register of deeds for such county, within twenty days from the receipt thereof, and that thereupon he shall be entitled to the immediate possession of the property described in said certificate, and to all rents, issues and profits arising therefrom on and after the date of such certificate, and the purchaser shall give notice, in writing, to the owner, tenant or other person in possession of said premises, either personally or by leaving the same with some member of his family over fourteen years of age, and informing him of the contents thereof, which notice shall set forth the fact of such sale, and may demand possession of said premises within thirty days after service as aforesaid; the person serving such notice, shall also at the same time exhibit to the person so served, the certificate of sale, and if at the expiration of the said thirty days, the said owner, tenant or other person in possession shall not deliver up the possession thereof, or redeem the same as hereinafter provided, then and in that case the purchaser may take the same proceedings to gain possession of such premises as purchasers under decrees of foreclosure and sale of mortgaged premises may do.

How land sold for assessments may be redeemed by person having interest therein.

20. *And be it enacted*, That the owner or owners, mortgagee, tenant in possession, or any other person having a legal or equitable interest in any lot of land sold for assessments as aforesaid, may redeem the same at any time within two years from the date of such sale, by paying to the purchaser or his legal representative, the amount of purchase money set out in detail in said certificate, with twelve per centum interest thereon, together with such other fees, costs, expenses and charges as may have been incurred by the purchaser under the provisions of this act, and the purchaser or his legal representative, upon receiving such payment shall, by deed duly executed and acknowledged, at the expense of the person redeeming, surrender, grant and yield up, or grant, bargain and sell,

or otherwise convey the estate so purchased as aforesaid, to the person redeeming the same; and if any mortgagee or other person holding an estate in lien upon said premises shall redeem the same, he shall have a lien thereon for the amount paid as aforesaid, with interest at twelve per centum per annum, in addition to his mortgage or other lien in like manner as if the same had been included in said mortgage or other lien; and if any tenant in possession shall redeem the same, it shall be lawful for him to deduct the sum so paid, with interest thereon at twelve per centum per annum, from the rent; and within twenty days after the person redeeming shall have received his deed as aforesaid, he shall have the same recorded in the office of the county clerk or of the register of deeds.

When land sold is not redeemed within certain time township committee to execute deed to purchaser.

21. *And be it enacted*, That in case such lots of land so sold shall not be redeemed within the time provided for by this act, then and in such case the township committee, upon due proof being made by affidavit that such redemption has not been made, and upon the surrender of such certificate, shall execute and deliver to the purchaser, his legal representatives or assigns, at his or their expense, a deed for the same under the common seal of the township, signed by the chairman of the township committee and attested by the township clerk, and acknowledged or proven according to law, which deed shall contain a description of the property, the date of the assessments, the fact of advertisement and sale, the date of sale and the period for which the premises were sold, and which deed shall be recorded in the office of the clerk or register of deeds of the county where the lands are situated within ten days after date thereof, and if not so recorded the same shall be of no effect until recorded as against a mortgagee or purchaser in good faith, and the right of redemption shall also continue until such record notwithstanding the said period of two years may have elapsed; and that such purchaser or purchasers, and his and their legal representatives, upon complying with the provisions of this act, shall by virtue thereof lawfully hold and enjoy said lots of land and premises for and during the term for which he, she or they shall have purchased the same, for his, her or their own proper use, benefit and advantage, against the owner or owners

What deed to contain.

When recorded &c.

thereof, and all and every person or persons claiming under him, her or them, and against any and all other estates therein, whether legal or equitable, and any and all mortgages, alienations, devises, descents, liens and encumbrances of every kind and nature, as fully and completely as though there were no other estates, mortgages, alienations, devises, descents, liens or encumbrances of, in, upon or against said property or any part thereof, until said term shall be fully completed and ended, and the purchaser shall be at liberty, at or before the expiration of said term, to remove any building or buildings and materials erected and placed by him, her or them thereon, and when said term shall have ended shall peaceably and quietly yield up the same to the lawful owner or owners thereof in as good state and condition as when he took possession of the same, damage resulting from the ordinary use and the elements excepted.

ecord of proceedings evidence.

22. *And be it enacted*, That the record of the proceedings for the sale of any lots of land for assessments as aforesaid in the aforesaid "record of tax sales" shall be received in all courts as presumptive evidence of the regularity of the proceedings therein recorded, and the aforesaid deed executed by the township committee to the purchaser, his legal representatives or assigns, shall be presumptive evidence in all courts and places that such sale and proceedings were regularly made and had according to the provisions of this act.

Sale not to affect mortgage unless purchaser give notice to mortgagee.

23. *And be it enacted*, That no sale of any lot of land made in pursuance of this act shall destroy or in any manner affect the lien of any mortgage thereon duly recorded or registered at the time of such sale, unless the purchaser shall give to such mortgagee or mortgagees within three months from the date of such sale, notice in writing setting forth the date of such sale, the amount of the purchase money, the description of the property as contained in the certificate of sale, the date when the limit of redemption shall expire, and a reference to this act, which notice shall be served personally, or by leaving the same with a member of his family over the age of fourteen years, and if he cannot be found, then by mailing the same, enclosed in an envelope, plainly directed to him, her or them, at his, her

Notice how served.

or their last known post-office address, with full postage prepaid thereon, and the purchaser shall within twenty days after the service of said notice transmit a true copy of the same, with due proof of service made before any officer authorized to take acknowledgments of deeds, to the clerk or register of deeds for the county in which such lands and premises are situate, and which notice shall be recorded and indexed in the same book in which mortgages are recorded, and a marginal note made thereof in the book where the original mortgage is recorded or registered, for which service the county clerk or register of deeds shall receive the sum of eight cents a folio, to be paid by the purchaser.

Copy to be transmitted to clerk or register of county.

To be recorded.

24. *And be it enacted*, That the said collector be entitled to receive for his services under said warrant the following fees, and no more, for each name on said warrant, to wit: for executing the warrant, twenty-five cents; for selling, twenty-five cents; for every adjournment, ten cents; for making and executing each certificate of sale, fifty cents; besides actual necessary disbursements for printing, postage, affidavits and acknowledgments.

Fees of collector under warrant.

25. *And be it enacted*, That the township committee issuing such warrant shall receive therefor five cents for each name on said warrant, the same to be divided equally among the members in attendance when the warrant is issued.

Fees of township committee.

26. *And be it enacted*, That the township clerk shall receive for attesting and recording said warrant and return, ten cents for each name thereon.

Township clerk.

27. *And be it enacted*, That all the fees, costs, charges and expenses authorized by this act shall be charged to and paid by the purchaser.

Purchaser to pay fees, &c.

28. *And be it enacted*, That in case the collector's term of office shall expire before he shall have completed his proceedings under any warrant, he shall continue such proceedings thereunder to the end, notwithstanding the expiration of his said term, and in such case his bondsmen shall be liable for any illegal act of their principal in the same manner and to the same extent as though said collector's term of office had not expired.

Collector to continue proceedings after his term expires, &c.

29. *And be it enacted*, That the township committee

Price of work, material, &c., to be assessed at same time that next general assessment is made.

shall cause the contract price of the work and materials specified in the first subdivision of the sixth section of this act, and that portion of the expenses of surveying, calculations, maps, printing, fees of township committee and other necessary expenses which is not assessed upon the owners of lots as aforesaid, together with lawful interest thereon from the time of completing said sidewalks and cross-walks until the next general assessment for taxes in such township shall become due and payable, to be assessed by the assessor of the township at the same time that the next general assessment for taxes shall be made in such township, which costs and expenses shall be assessed and collected in the same manner that other moneys for township purposes shall be assessed and collected.

When work does exceed two hundred dollars, committee may award contract without advertising proposals.

30. *And be it enacted*, That whenever the work of constructing, curbing and paving such sidewalks as the owners shall have neglected or refused to construct, curb and pave within the time limited in the notice directed to be published in the second section of this act, together with the work of constructing, curbing and paving sidewalks at the intersection of streets, and the work of constructing crosswalks, and the expenses of surveying, calculations, maps, printing, fees and other necessary expenses appertaining to such work, shall not be estimated by the township committee to exceed the sum of two hundred dollars, the said township committee may give the contract for said work to any responsible person or persons, or may hire the same to be done, without advertising for proposals, and in all other respects the proceedings shall be the same as hereinbefore directed in case the cost and expenses shall be estimated to exceed the sum of two hundred dollars.

Township committee may issue notes to pay cost of construction.

31. *And be it enacted*, That the township committee are hereby authorized and empowered to borrow, upon the credit of the township, by issuing the promissory notes of the inhabitants of such township, signed by the members, or a majority of the members, of the township committee, in their capacity as members of such committee, sufficient moneys to pay for the contract work and all other necessary expenses appertaining to the construction, curbing and paving of such sidewalks and crosswalks as aforesaid.

32. *And be it enacted*, That this act shall be taken and deemed as conferring an additional power and authority upon townships for the construction, curbing and paving of sidewalks and crosswalks, notwithstanding any power and authority that may have been previously conferred upon any township or townships by any other act or acts whether general or special; *provided*, that nothing in this act contained shall give to any township committee control of or supervision over the sidewalks and crosswalks in any incorporated town, borough or city within the boundaries of any township, or take the control of such sidewalks or crosswalks within any such town, borough or city from the municipal authority thereof, where by law such control is now vested in the authorities of such municipality. Act to be taken as conferring additional power upon townships. Proviso.

33. *And be it enacted*, That this act shall take effect immediately.

Approved May 9, 1884.

CHAPTER CCVI.

An Act concerning railroad companies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for railroad companies operating railroads in this state, to run upon such railroads, trains composed, partly or wholly, of cars furnished in a superior manner, and with extra accommodations for the comfort of passengers, and commonly known and designated as parlor, sleeping and hotel cars, and to charge and to collect from those using the same such extra fare as said companies shall deem expedient and just; *provided*, that said companies shall also run upon said railroads, trains of ordinary first-class passenger cars, in sufficient number to accommodate, fully, all persons who shall prefer to travel therein. Lawful to run trains composed of parlor, sleeping or hotel cars. May collect extra fare. Proviso.

2. *And be it enacted*, That all acts or parts of acts incon- Repealer.

sistent with this act are hereby repealed, and this act shall take effect immediately.

Approved May 9, 1884.

CHAPTER CCVII.

A Further Supplement to an act entitled "An act to provide means for protection against fires in townships," approved March tenth, one thousand eight hundred and seventy-nine.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement be amended to read as follows:

Legal voters of townships may vote and determine amount of money to be paid by tax for a fire appropriation.

[1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any township in this state it shall be lawful for the legal voters, at any regular annual town meeting or election, or at any special meeting called by the township committee for that purpose, to vote for and determine an amount of money to be raised by tax for a fire appropriation.]

Section amended.

2. *And be it enacted*, That section two of the act to which this is a supplement be amended to read as follows:

Amount of first appropriation not to exceed five thousand dollars.

Amount of subsequent appropriation.

[2. *And be it enacted*, That the amount of the first appropriation, to be voted and determined by any township which shall avail itself of this act, shall not exceed the sum of five thousand dollars; and that the amount of any subsequent annual appropriation may amount to but shall not exceed a sum equal to one dollar for each inhabitant of such township.]

Section amended.

3. *And be it enacted*, That section three of the act to which this is a supplement be amended to read as follows;

Appropriation, how expended.

[3. *And be it enacted*, That it shall be lawful for the

township committee, in any township in which a fire appropriation shall be made under the provisions of this act, to expend the same in providing and maintaining means for extinguishing fires in such township; and, to this end, they may construct wells, cisterns and reservoirs, purchase apparatus, lease lands or buildings, purchase real estate and erect thereon buildings for the accommodation or housing and care of the fire apparatus, and may sell or exchange the same, and may contract for and pay such charges and expenses, for the proper conduct of fire matters, not exceeding the amount of such appropriation, as they may deem advisable or necessary, in the corporate name of the township,]

4. *And be it enacted,* That section four of the act to which this is a supplement be amended to read as follows: Section amended.

[4. *And be it enacted,* That the township committee may adopt such rules and regulations, altering and amending the same, from time to time, as may be deemed necessary, respecting the use, management, care and custody of the township fire apparatus; they may designate or approve the members of any fire or other companies or organizations whatever, to whom they may intrust the use of such apparatus, and designate or approve the officers thereof, and they may provide for the election, by such members, of their associate members and officers, and the adoption, by such members, of their own by-laws and rules of order, which company or organization, or which companies and organizations together, as the case may be, shall constitute the township fire department, and may have the use and custody of all fire apparatus or means of extinguishing fires provided by such township, except such as may be provided for the sole and separate use of any fire district within such township; or, in lieu thereof, such township committee may designate and constitute any fire association or organization whatever the authorized fire department of such township, and intrust to them, so long as they may prove worthy and efficient, all fire apparatus and means of extinguishing fires provided by such township, except such as may be provided for the sole and separate use of any fire district within such township, and the direction and Township committee may adopt rules respecting use, management, &c., of fire apparatus.

control of all public fire matters therein, subject only to the inspection and supervision of such township committee; *provided, however*, that this act, or any part thereof, shall not be construed to abolish or prevent the formation of any fire or other companies or organizations whatever, under any law of this state, but shall have the effect to prohibit the expenditure for their use or benefit, except under the provisions of this act, of any public fire appropriation; *and provided further*, that, in any township in which any private fire company or other organization may be formed, such company or organization, when on duty at any fire, shall be subject to such reasonable rules and regulations as may be adopted by the township committee for that purpose.]

Proviso.

Proviso.

5. *And be it enacted*, That this act shall take effect immediately.

Approved May 9, 1884.

CHAPTER CCVIII.

A Supplement to the supplement to an act entitled, "An act to provide for the establishment of an agricultural experiment station," approved March ninth, one thousand eight hundred and eighty-one.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three of the supplement to the act entitled, "An act to provide for the establishment of an agricultural experiment station," be amended so as to read as follows:

Expenses of station, how paid.

[3. *And be it enacted*, That the expenses of said station, when presented to the comptroller of the state, accompanied by the proper vouchers, duly certified by the president and secretary of the board of directors, shall, upon warrant of said comptroller, be paid out of the state treasury; *provided*, such expenses do not exceed the sum of eleven thousand dollars in any year.]

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 9, 1884.

CHAPTER CCIX.

A Supplement to an act entitled "An act to increase the powers of township committees," approved March eleventh, eighteen hundred and eighty.

Additional powers of township committee.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committees of the several townships of this state, shall hereafter have the following powers in addition to the powers now vested by law in township committees, viz: that township committees shall exercise, either in connection with the overseers of highways or independently, all the powers given to overseers by law under section forty-nine of the general road law, (revision), approved March twenty-seventh, one thousand eight hundred and seventy-four, in opening public highways to their full width and removing encroachments upon said highways, when duly notified in writing, by party or parties conceiving himself or themselves, to be injured by their not being opened to their full width or by their being encroached upon, and to direct the township assessor and the township collector respectively, to assess and collect sufficient taxes to pay for the expense of the same.

To define public highways when notified by members of board of freeholders.

2. *And be it enacted*, That when the township committee of any township in this state, shall be duly notified in writing, by a member of the board of chosen freeholders of the county, whose duty is to build, rebuild or repair any bridge or bridges on a public highway in said township, to define the lines of said public highway; it shall be the duty of said committee immediately to do so, and if it be doubtful to the said committee where the lines of any of the said public highways are, they shall proceed in

If doubtful to committee when lines are located how to proceed.

the manner provided by section forty-nine of the general road law, (revision) approved March twenty-seventh, one thousand eight hundred and seventy-four, either in connection with the overseers of the highways or independent of them, and to direct the township assessor and the township collector respectively, to assess and collect sufficient taxes to pay for the expense of the same.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and this act shall be deemed and taken as a public act, and shall take effect immediately; *provided*, that this act shall not apply to public highways or roads under the control of public road boards, turnpike companies or plank road companies.

Proviso.

Approved May 9, 1884.

CHAPTER CCX.

A Supplement to the act entitled, "An act for rendering the proceedings upon information in the nature of a quo warranto more speedy and effectual," passed March seventeenth, one thousand seven hundred and ninety-five.

Proceedings against person unlawfully holding or executing office or franchise.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it is alleged that any person or persons usurp, intrude into, or unlawfully hold or execute any municipal office or franchise within this state, it shall and may be lawful to and for any citizen of this state who believes himself lawfully entitled to such office or franchise, to file in the office of the clerk of the supreme court an information, or informations, in the nature of a quo warranto, at the relation of the said citizen, and who shall be mentioned in such information to be the relator, against such person or persons as defendant or defendants, for usurping, intrud-

ing into or unlawfully holding or executing any such office or franchise, and to proceed therein in such manner as is usual in cases of informations in the nature of a quo warranto, except as is otherwise provided for in this act.

Upon filing of information relator to give bond to defendant to prosecute action to effect and pay costs.

2. *And be it enacted*, That upon the filing of such information the relator or relators shall execute a bond to the defendant or defendants in the penal sum of one hundred and fifty dollars, with one or more sufficent surety or sureties, being freeholders and residents in this state, with condition to prosecute said action with effect, and to pay costs to the defendants if they shall be entitled thereto; which bond shall be approved by a justice of the supreme court, or supreme court commissioner, and filed in the office of the clerk of the supreme court.

Bond to be approved and filed.

When information and bond filed rule to be entered and served.

3. *And be it enacted*, That upon filing said information and bond, as aforesaid, at request of the attorney of relator the clerk of said court shall enter, as of course, a rule on the defendant or defendants to plead or demur to said information within ten days after service upon him or them of a certified copy of such information and rule; such service shall be made upon each defendant, either personally, if he shall be found, or if not found by leaving said copies of the information and rule at the house or place of abode of the defendant in the presence of some person of the family, of the age of fourteen years, who shall be informed of the contents thereof; proof of said service shall be made by the affidavit of the person making the service of the time, place and manner of said service, which affidavit shall be filed with the clerk of said court.

How served.

Proof of service, &c.

When appearance of defendant entered and plea filed.

4. *And be it enacted*, That the defendant or defendants within ten days after service of said information and rule as aforesaid, shall enter an appearance to said action, and (unless a justice of the supreme court, upon proper evidence of a reasonable cause therefor, shall grant further time, which, in case there has been personal service, shall not exceed ten days without consent of the relator) shall file his plea or demurrer to said information, and in default thereof, judgment by default shall be entered against him or them; if a plea shall be filed it shall have annexed to it an affidavit by each defendant,

Plea to have affidavit annexed.

stating the facts, matters and things set forth in said plea, so far as they relate to his own acts, are true, and so far as they relate to the acts of others he believes them to be true, and also stating that said plea is not filed for the purpose of delay, and that he believes he has a legal defence to said action on the merits of the case; if further pleadings shall be necessary they shall be filed within ten days, each after the other, or within five days after service of a certified copy upon the opposite party or his attorney, unless a justice of the supreme court shall, under special circumstances, grant further time as aforesaid; and thereupon such further proceedings shall be had as are required by law.

When further pleadings filed and served.

When party shall join in demurrer.

5. *And be it enacted*, That when a demurrer shall be filed by either party, the other party shall join in demurrer within ten days, unless a justice of the supreme court shall grant further time as aforesaid; that whenever there shall be a joinder in demurrer the same shall be placed at once upon the calendar of the supreme court of the term in which issue is joined, for an immediate hearing, as soon as it is possible for the court to attend to the same; if not heard at the term in which issue is joined, said cause shall be placed by the clerk on the calendar of the succeeding term of said court, and shall be brought to a hearing at that term upon ten days notice by either party to the other.

When to be had.

What a sufficient notice.

6. *And be it enacted*, That whenever notice is required, two days notice of the hearing, argument or trial of any motion or issue arising under this act shall be sufficient.

Court to be open for return of writ, &c.

7. *And be it enacted*, That the supreme court shall always be open, except on Sunday, for the return of all writs and process in proceedings under this act.

8. *And be it enacted*, That this act shall take effect immediately.

Approved May 9, 1884.

CHAPTER CCXI.

An Act to regulate the holding of and to prevent frauds in the primary elections of the several political parties in cities of the state of New Jersey.

Officers of primary elections to take oath before entering upon duties.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall be lawful, and it is hereby made the duties of the judges, inspectors and clerks or other officers of the primary elections, meetings or caucus held for the purpose of nominating candidates for state, city and county officers within the cities of the state of New Jersey, before entering upon the discharge of their duties, severally to take and subscribe to an oath or affirmation in the presence of each other, in form as follows, namely:

Form of oath.

["I, , do that I will, as judge, inspector or clerk (as the case may be) at the ensuing election, impartially and faithfully perform my duties, in accordance with the laws and constitution of the state of New Jersey, and in accordance with the rules and regulations adopted by the party, of the county of (as the case may be) for the government of the said primary elections, meetings or caucus, to the best of my judgment and abilities."]

By whom to be administered.

The oath or affirmation shall be first administered to the judge, by one of the inspectors; then the judge so qualified shall administer the oath or affirmation to the inspectors and clerks, and may administer the oath to any elector offering to vote, as to his qualifications to vote at such election.

Penalty for acting before taking oath, &c.

2. *And be it enacted*, If any judge, inspector and clerk, or other officer of a primary election as aforesaid, shall presume to act in such a capacity before the taking and subscribing to the oath or affirmation required by this act, he shall, on conviction, be fined not exceeding two

hundred dollars; and if any judge, inspector, clerk or other officer, when in the discharge of his duties as such, shall wilfully disregard or violate the provisions of any rule duly made by the party of which he is a member, and for whom he is acting, for the government of the primary elections of the party, he shall, on conviction, be fined not exceeding two hundred dollars; and if any judge or inspector of any primary election, as aforesaid, shall knowingly reject the vote of any person entitled to vote under the rules of the said party, or shall knowingly receive the vote of any person or persons not qualified as aforesaid, he shall, on conviction, be fined not exceeding two hundred dollars; and if any judge, inspector, clerk or any other officer of a primary election, as aforesaid, shall be guilty of any wilful fraud in the discharge of his duties, by destroying or defacing ballots, adding ballots to the poll, by false counting, by making false returns or by any act or thing whatsoever, the person or persons so offending shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not exceeding five hundred dollars, or imprisonment not exceeding one year, or both, or either, at the discretion of the court.

Repealer.

3. *And be it enacted*, That all acts inconsistent with the provisions of this act be and the same are hereby repealed.

Approved May 9, 1884.

CHAPTER CCXII.

An Act to amend an act entitled "An act to authorize municipal corporations to contract for a supply of water for public uses," which act was approved March fifteenth, one thousand eight hundred and eighty-one.

Act amended.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An

act to authorize municipal corporations to contract for a supply of water for public uses," which act was approved March fifteenth, one thousand eight hundred and eighty-one, be amended so that the same shall read as follows;

[1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the city council, township committee or other governing body of any municipal corporation in this state, by whatever name such governing body shall be called, to enter into and make a contract and agreement with any aqueduct board or water company for a year or term of years, for the obtaining and furnishing of a supply of water to be used by and within such municipal corporation for the purpose of extinguishing fires and for such other public uses and purposes as may be found necessary or convenient; which contract and agreement, when so made, shall be the lawful and valid contract of such municipal corporation, as well as of the said aqueduct board or water company, according to the tenor thereof; and the sum or sums of money in said contract agreed to be paid in each year by any such municipal corporation shall be levied and assessed as a tax upon the real and personal estate within such municipal corporation, and liable to taxation for other municipal purposes, and the said real and personal property is hereby made liable to the assessment and collection of such tax; *provided, however*, and it is hereby expressly enacted that no such agreement and contract shall be made for a period longer than ten years in any one term, and that the amount of payment in such contract agreed to be made in any year, shall not exceed a sum equal to one dollar for each inhabitant of such municipal corporation, unless the proposition be approved by a majority of legal voters in such municipal corporation at an annual or special election, to which the same may be submitted; *and, provided*, that this act shall not apply to any city now supplied with water for public use, pursuant to an existing contract or arrangement with some board or corporation.

Municipal corporation may contract for supply of water for public uses.

Proviso.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 9, 1884.

CHAPTER CCXIII.

An Act concerning incorporated towns in this state and certain officers thereof.

Governing body of incorporated towns may pass ordinances for certain purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*. That the town council or other governing body of every incorporated town in this state shall have power to pass, alter, amend and repeal ordinances for the following purposes:

Finances and property.

I. To manage, regulate, protect and control the finances and property of the town.

Assessment map.

II. To make and adopt an assessment map or maps whereby to describe lands assessed for taxes or improvements.

Boundaries of streets, &c.

III. To ascertain and establish the boundaries of all streets, highways, public lanes and alleys in the town and to prevent and remove all encroachments upon such streets, highways, lanes and alleys.

Clean and repair streets and remove obstructions.

IV. To regulate, clean and keep in repair the streets, highways and public places of the town and to prevent and remove obstructions and incumbrances in and upon all streets, highways and public places.

Removal of snow and ice.

V. To provide for and enforce the removal of snow and ice from the sidewalks and gutters of streets by the owners of the lands fronting thereon; and such ordinance may provide in case of the neglect or refusal of or by the owner of any lot of land fronting on a public street or highway to remove snow or ice from the sidewalks or gutters in front of his lands that the town council may cause the same to be done at the expense of such owner and that the expense thereof may be assessed as a tax upon such lands and be collectable as general taxes are collected.

Lighting streets, &c.

VI. To provide for the lighting of the streets, highways and public places of the town.

Regulate hydrants and cisterns.

VII. To provide for and regulate hydrants and cisterns in the streets and public places.

VIII. To name and number the streets, houses and lots in the town. Numbering streets, houses, &c.

IX. To prevent the driving of cattle and other animals through any of the streets of the town on the first day of the week commonly called Sunday and to regulate the same at other times. Regulating driving of cattle on Sunday.

X. To prevent and punish immoderate driving or riding through the streets. Immoderate driving.

XI. To prevent the driving of wagons or other vehicles on the sidewalks except where necessary to cross the same. Driving on sidewalks.

XII. To regulate and prohibit any practice having a tendency to frighten animals or annoy persons passing in the streets of the town. Frightening animals.

XIII. To regulate or prohibit all public performances and exhibitions for money. Public performances.

XIV. To locate, regulate or prohibit slaughter houses. Slaughter houses.

XV. To regulate or prohibit the blasting of rock within the town. Blasting rocks.

XVI. To prescribe the manner in which persons or corporations shall exercise any privilege granted to them in the use of any street or highway in the town or in digging up any street or highway for any purpose whatever. Use of streets or highways.

XVII. To abate and remove nuisances of every kind. Nuisances.

XVIII. To prevent vice and immorality, to preserve public peace and good order, to prevent and quell riots, disturbances and disorderly assemblages. Vice and immorality.

XIX. To restrain and suppress disorderly and gaming houses and houses of ill fame. Disorderly houses.

XX. To restrain and punish drunkards, vagrants, mendicants, tramps and beggars. Drunkards, vagrants, &c.

XXI. To regulate interments of the dead within the limits of the town. Interments.

XXII. To regulate the construction and cleaning of privies and cesspools. Privies and cesspools.

XXIII. To establish and regulate one or more public pounds and to restrain and regulate the running at large of horses, cattle, swine and other animals, geese and other poultry, and to authorize the impounding and sale of the same for the penalty incurred and for the costs of keeping and impounding. Public pounds. Animals running at large.

XXIV. To regulate or prohibit the keeping of swine, geese and goats. Swine, geese, &c.

Dogs.

XXV. To regulate and prevent the running at large of dogs and to authorize the destruction of dogs running at large.

Swimming and bathing.

XXVI. To regulate or prohibit swimming or bathing in the waters of or bounding the town.

Police.

XXVII. To establish, regulate and control a day and night police and to regulate and define the manner of their appointment and removal, their duties and compensation.

Buildings.

XXVIII. To regulate and control the manner of building dwelling houses and other buildings; to take down, remove or destroy buildings that are liable to fall or are dangerous to life; to regulate or prohibit the carrying on of manufactures dangerous in causing or promoting fires; to regulate or prohibit the manufacture, sale, keeping, storage or use of fire-works, gunpowder, camphene, kerosene, burning fluid, nitro glycerine, dynamite or other inflammable or explosive materials; to regulate or prohibit the use of firearms; to raze and demolish any building or erection when necessary to prevent the extension of a conflagration, and to provide for the ascertainment and payment of just compensation to owners of property destroyed in such cases.

Dangerous manufactures.

Fire arms, &c.

Duties and compensation of officers.

XXIX. To prescribe and define the duties of officers and employees of the town and their compensation where compensation is not fixed by law, and the penalty for failing to perform such duties, which penalty may extend to removal of the offender from office; *provided*, that nothing in this act shall be construed to alter or repeal the provisions of any town charter fixing the term of office of any municipal officer.

Proviso.

Town hall and police stations.

XXX. To erect, provide, repair and control a town hall and such police and station houses and other buildings as may be required.

Penalty for violation of ordinance, &c.

XXXI. To fix the penalty where the same is not fixed or provided for by this act for the violation of any ordinance by this act authorized to be passed, which penalty may be imprisonment not exceeding ten days in the county jail or workhouse or a fine not exceeding fifty dollars; all prosecutions for the violation of any ordinance shall be made before the recorder or police justice of the town, or if there be none then before a justice of the peace therein.

XXXII. To divide wards and designate their boundaries. Wards.

2. *And be it enacted*, That the town council of every incorporated town in this state shall have power to appoint a town treasurer, who need not be a member of the town council, who shall hold his office for one year and until his successor has been appointed and qualified; he shall give bonds in such amounts and with such sureties as shall be prescribed by ordinance of the town council, conditioned for the faithful performance of his duties; he shall receive all moneys due to or belonging to the town, and shall deposit and keep the same as directed by the town council; he shall keep an account of all receipts and expenditures in such manner as the town council shall direct; he shall pay out moneys only upon warrants of the town council, signed by their chairman or mayor of the town and countersigned by the town clerk, and no warrant shall be so drawn except in pursuance of an order of the town council passed at a stated meeting and entered on the journal; he shall furnish statements of his accounts as often as he shall be required by the town council, and shall perform such other duties appertaining to his office as shall be required of him by law or by any ordinance or resolution of the town council; *provided, however*, that nothing in this section contained shall apply to moneys raised for school purposes. Town treasurer duties of. Proviso.

3. *And be it enacted*, That the town treasurer shall receive, keep and disburse all moneys raised and received for public school purposes; he shall keep separate accounts thereof, and shall pay the same out only on the warrant of the board of education or board of school trustees; he shall furnish said board, as well as the town council, whenever so required, a statement of the receipts and expenditures for school purposes. Further duties of town treasurer.

4. *And be it enacted*, That any councilman or other town officer may be removed from office by resolution of the town council; *provided*, that no such removal shall be made until the officer sought to be removed has had an opportunity to be heard in his defence, nor unless two-thirds of all the members of the council vote therefor; whenever any such removal shall be made, the cause therefor, together with the yeas and nays upon the vote Removal from office. Proviso.

taken, shall be entered at large on the minutes of the town council.

Additional duties of collector or receiver of taxes.

5. *And be it enacted*, That, in addition to the duties imposed upon him by the laws of this state, it shall be the duty of the collector or receiver of taxes to be at the town hall of the town in which he holds his office for the purpose of receiving and collecting taxes and arrears of taxes, on such days and at such hours as shall be designated by the town council; he shall enter in suitable books to be provided for that purpose by the town council the sums received by him for taxes; and he shall specify in such entry the names of the persons from whom or on whose account moneys are paid, and the date of payment, and the sums respectively paid by them for taxes and for interest separately; he shall, at least once in each week, furnish the treasurer a detailed statement of such sums so received by him, which statement the treasurer shall lay before the town council at its next stated meeting thereafter; he shall, at least once in each week, and oftener, if required, pay over to the town treasurer all moneys received by him for or on account of the town from any source whatever, and it shall be the duty of the town treasurer out of the moneys so received by him to first pay the state school, state and county taxes as required by law.

Voters of town empowered to raise money for certain purposes.

6. *And be it enacted*, That the qualified voters of the several incorporated towns of this state, shall have power to raise in each year, by vote, at the annual town meeting or charter or municipal election, such sum or sums of money as they shall deem expedient for the following purposes:

Light. I. For lighting the streets of the town;

Poor. II. For the maintenance and support of the poor;

Streets. III. For regulating, cleaning and keeping in repair the streets and highways and the construction of crosswalks;

Schools. IV. For the support of the public schools;

Police. V. For the support of the police department;

Fire Dept. VI. For the support of the fire department;

Water for fires. VII. For water for the extinguishment of fires;

Interest upon debt. VIII. For the payment of interest upon the debt of the town and such part of the principal as may be due and payable;

IX. For the sinking fund required to be raised during the year; Sinking fund.

X. For the salaries of officers not included under any other head; Salaries.

XI. For the purchase of necessary real estate and the erection of buildings; Purchase of real estate.

XII. For the contingent expenses of the town; Expenses.

XIII. But no appropriation shall be raised or ordered except by a majority of all the voters voting at such election. Appropriation, how raised.

7. *And be it enacted*, That this act shall not apply to any incorporated city of this state. Act not to apply to incorporated city.

8. *And be it enacted*, That the council or other governing body of any such incorporated town shall have power to borrow money temporarily in the name of such incorporated town, in anticipation of appropriated revenues not exceeding the amount of such anticipated revenues so appropriated. Governing body of town may borrow money temporarily in anticipation of appropriated revenues.

9. *And be it enacted*, That this act shall take effect immediately.

Approved May 9, 1884.

CHAPTER CCXIV.

A further supplement to an act entitled "An Act concerning corporations," approved April seventh, eighteen hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any company organized by virtue of the act to which this is a supplement, for the purpose of constructing, maintaining and operating works for the supply and distribution of electricity for electric lights, heat or power, shall have full power to use the public roads or highways, streets, avenues and alleys in this state for the purpose of erecting posts or Company organized for purpose of supplying electric light, heat, &c., empowered to use public roads or highways.

poles on the same to sustain the necessary wires and fixtures upon, first obtaining the consent in writing of the owners of the soil; *provided, however*, no posts or poles shall be erected in any street of any incorporated city or town without first obtaining from the incorporated city or town a designation of the street in which the same shall be placed and the manner of placing the same, and that the same shall be so located as in no way to interfere with the safety or convenience of persons traveling on or over the said roads and highways, and that the public streets in any of the incorporated cities and towns of this state shall be subject to such regulations as may be first imposed by the corporated authorities of said cities and towns.

Proviso.

May lay wires, &c., beneath public roads, streets, &c.

2. *And be it enacted*, That any such companies be and they (are) hereby authorized and empowered to lay pipes or conduits and to lay wires therein beneath the public roads, highways, streets, avenues and alleys as they may deem necessary; *provided*, that said pipes or conduits shall be laid at least two feet below the surface of the same and shall not in any wise unnecessarily obstruct or interfere with public travel or damage public or private property, and shall not be laid nearer than three feet except as is hereinafter excepted to any water or gas main; but no public street shall be opened for the purpose of laying any such pipes, conduits or wires without the consent of the board of aldermen or common council of such city; *and provided*, that such use of the public streets in any of the cities and towns of this state shall be subject to such regulations and restrictions as may be first imposed by the corporate authorities of such cities or towns.

Proviso.

Proviso.

Wires, &c., to be laid at certain distance from water or gas pipes.

3. *And be it enacted*, That any wires for conveying electricity or the conduits containing said wires, shall be laid at the greatest practicable distance from the outside of any water or gas pipe now laid down, and that such distance shall not be less than three feet, except in case where it shall be necessary that the said wires or conduits shall cross or intersect any such water or gas pipe.

4. *And be it enacted*, That this act shall take effect immediately.

Approved May 10, 1884.

CHAPTER CCXV.

An Act for the government of persons who are now or may hereafter become members of companies incorporated under the act entitled "An act to authorize the formation of pursuing and detective companies," approved March twenty-ninth, eighteen hundred and seventy-eight.

Members of pursuing and detective companies to give bond before engaging in business.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person who is now or may hereafter become a member of any company incorporated under the act of the legislature of the state of New Jersey entitled "An act to authorize the formation of pursuing and detective companies," approved March twenty-ninth, eighteen hundred and seventy-eight, to engage in the detection, pursuit, apprehension, arrest or prosecution of thieves, tramps, marauders or other depredators on persons or property, or the recovery of stolen goods, until he shall have filed with the clerk of the county, in which he actually resides, a bond to the state of New Jersey, with two sufficient sureties in the penal sum of five thousand dollars, conditioned for the faithful and bona fide performance of his duties and undertakings as a pursuer as provided in said act, which said bond shall be duly acknowledged and proven in the manner provided by law for taking the acknowledgment and proof of deeds, and shall be by the clerk of said county recorded in the book of official bonds of said county; and the sureties upon said bond shall also each justify in the sum of five thousand dollars before the justice of the supreme court holding the circuit in said county, who shall certify his approval thereof upon the same, provided he is satisfied that the principal named in said bond is a proper and suitable person to engage in the business of pursuing and detecting offenders against the laws; and when the said bond is given ac-

Bond, where filed and recorded.

Sureties to justify in certain sum before justice of supreme court.

When governor to commission members.

cording to the provisions contained herein, and a certified copy thereof presented by the president of said pursuing or detective association under seal, the governor shall commission such members of said association who have qualified with the provisions of this act.

Unlawful for prosecutor of pleas to employ a member who has not complied with provisions of this act.

2. *And be it enacted*, That it shall not be lawful for the prosecutor of the pleas in any county of this state to employ a member of any of said companies in the detection or arrest of offenders against the laws until such member shall have fully complied with the provisions of this act, and in case of such employment it shall not be lawful for the board of freeholders of the county to pay the expenses thereof.

Penalty for not complying with provisions of act.

3. *And be it enacted*, That any member of any of said companies who shall engage in the detection, pursuit, apprehension, arrest or prosecution of thieves, tramps, marauders or other depredators on persons or property or the recovery of stolen goods, without complying with the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding five hundred dollars, or imprisonment at hard labor not exceeding three years, or both.

Act not to apply to certain persons.

4. *And be it enacted*, That the provisions of this act shall not apply to persons engaged exclusively in the pursuit of property belonging to the members of the corporations or associations to which they belong without compensation or pay for their services, other than their expenses.

5. *And be it enacted*, That this act shall be deemed a public act and take effect immediately.

Approved May 10, 1884.

CHAPTER CCXVI.

A Further Supplement to the act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors," (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

Assignee who has not made final report within certain time may proceed as if time had not expired.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where assignment has heretofore been made for the benefit of creditors under the act to which this is a supplement, and the assignee, for any reason, has not sold the real estate, or has sold said real estate and has not made his final report within the time prescribed by the act to which this is a further supplement, it shall be lawful for such assignee to hereafter proceed in all things as he might have done if the time prescribed in said act had not expired; *provided*, he shall file his final report and account within six months from the approval of this act.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 10, 1884.

CHAPTER CCXVII.

An Act to authorize cities to order and regulate the construction of sidewalks and to provide for the payment of the expense thereof.

Cities empowered to regulate construction of sidewalks and provide for payment of cost thereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the incorporated cities of this state shall have power through their several appropriate legislative bodies to pass ordinances for the regulation, construction and repair of sidewalks, and thereby to fix and determine the method in which sidewalks in such cities shall be constructed, repaired and maintained; the material out of which the same shall be constructed; and also to provide for the payment of the cost of such construction, repair and maintenance; *provided*, that no city shall be authorized to put down any patented sidewalk, but property owners may construct at their own expense sidewalks of any material that may be allowed by general ordinance of such city.

Proviso.

Proceedings for construction of sidewalks by abutting land owner.

2. *And be it enacted*, That any such city may prescribe by general ordinance in what cases sidewalks shall be constructed, repaired or maintained at the expense of the abutting land owners; whenever in any city it shall hereafter become the duty of any owner of abutting lands under the ordinance of the city to construct or alter or repair any sidewalk or section thereof, the authorities of such city having charge of the street affairs of the city may cause a notice in writing to be served upon the owner or occupant of said lands requiring the necessary specified work to said sidewalk to be done by said owner or occupant within a period of not less than thirty days from the date of service of such notice; whenever any lands are unoccupied and the owner cannot be found within the city, the same may be mailed postage prepaid to his or her post-office address, if the same can be ascertained; in case such owner is a non resident of the city and his or her post-office address cannot be ascertained, then the notice may be inserted for four weeks once a

week in some newspaper of such city; in case the owner or occupant of such lands shall not comply with the requirements of such notice, it shall be lawful for the street department of the city, upon filing due proof of the service or publication of the aforesaid notice in the appropriate department of the city, to cause the required work to be done, and paid for out of the moneys of the city to the credit of the street department; the cost of such work shall be certified by the person having charge thereof to the person having charge of the collection of assessments in such city; upon filing the said certificate the amount of the cost of such work shall be and become a lien upon the said abutting lands in front of which such work was done to the same extent that assessments for local improvements are liens in such city under its charter or the general law, and shall be collected in the manner provided by law for the collection of such other assessments, and shall bear interest at the same rate; in addition thereto the city may have an action to recover the said amount against the owner of said lands, in any court having competent jurisdiction thereof; a certified copy of the aforesaid certificate shall in such action be *prima facie* evidence of the existence of a debt due from the said owner to the city.

Moneys recovered to be credited to certain account.

3. *And be it enacted*, That all moneys recovered or paid to the city under the provisions of the last preceding section shall be credited to the account out of which the cost of such work was paid.

Repealer.

4. *And be it enacted*, That this act shall take effect immediately, and all acts inconsistent with the provisions of this act are hereby repealed.

Approved May 10, 1884.

CHAPTER CCXVIII.

An Act entitled "An Act relating to the depth and construction of foundation walls of buildings and the responsibility of adjoining property owners to each other in cities in the state of New Jersey."

Common council, &c., of cities may provide by ordinance for the depth and construction of foundation walls, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of any city in this state, or other municipal board empowered by the charter to pass ordinances, to provide by ordinance for the depth of excavation below the established grade or curb line of any street in any such city not greater than ten feet, to which the owner of any land may excavate, in the erection of any building upon his own property, and to provide for the giving of notice in writing of such intended excavation to any adjoining owner or owners, and that they will be required to protect and care for their several foundation walls that may be endangered by such excavation, and to provide that in case of the neglect or refusal for ten days of such adjoining owner or owners to take proper action to secure and protect the foundations of any adjacent building or other structure, that the party or parties, or their agents, contractors or employees may enter into and upon such adjoining property, and do all necessary work to make such foundations secure, and recover for such work and labor in so protecting such adjacent property the cost thereof and to make such further and other provisions in relation to the proper conduct and performance of said work as to said common council, or legislative board of any city may seem necessary and proper.

Suits may be maintained.

2. *And be it enacted*, That a suit may be maintained in any court having jurisdiction over the amount involved and the person of the plaintiff or defendant, to recover for any work done under any ordinance passed in pursu-

ance of the first section hereof, in the protecting or securing of the buildings or foundation walls of adjacent owners as aforesaid.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 10, 1884.

CHAPTER CCXIX.

An Act to protect all citizens in their civil and legal rights.

All persons entitled to equal rights and privileges, subject to conditions established by law.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all persons within the jurisdiction of the state of New Jersey shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities and privileges of inns, public conveyances on land or water, theatres and other places of public amusement; subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

Penalty for violating provisions of foregoing section.

2. *And be it enacted*, That any person who shall violate the foregoing section by denying to any citizen, except for reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities or privileges in said section enumerated, or by aiding or inciting such denial, shall, for every such offense, forfeit and pay the sum of five hundred dollars to the person aggrieved thereby, to be recovered in an action of debt, with full costs, and shall also, for every such offense, be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred nor more than one thousand dollars, or shall be imprisoned not less than thirty days nor more than one year.

Persons not to be disqualified from serving as jurors on condition of race, color or previous condition.

3. *And be it enacted*, That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of this state, on account of race, color or previous condition of servitude, and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than five thousand dollars.

Penalty for excluding or failing to summon such persons.

4. *And be it enacted*, That this act shall take effect immediately.

Approved May 10, 1884.

CHAPTER CCXX.

A Further Supplement to "An act for the better preservation of the early records of the state of New Jersey," passed March twenty-ninth, one thousand eight hundred and seventy-two.

Appropriation for preparation, &c., of "New Jersey Archives."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That to enable the New Jersey historical society to continue the work of procuring material for and arranging, collating, editing and printing the early records of the state, in the form known as the "New Jersey Archives," the sum of three thousand dollars annually for three years is hereby appropriated, to be paid to the said society as required for the said purposes by the state treasurer on the warrant of the comptroller.

How paid.

Custody and distribution of volumes when completed.

2. *And be it enacted*, That the printed volumes as completed shall be deposited with the commissioners of the state library, to be by them distributed in the manner provided by law for the distribution of the volumes heretofore printed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 13, 1884.

CHAPTER CCXXI.

An Act to authorize cities to make permanent improvements in the roadbeds of streets at the general expense.

Cities empowered to improve road bed of streets at the general expense, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen or common council now having legal power to make street improvements of any city, by ordinance, to order that the roadbed of any street or avenue shall be paved, repaved, macadamized, repaired with broken stone, or otherwise permanently improved, at the general expense of the city, and the expense of such work shall be in such case paid out of the moneys raised by tax for the improvement of streets; any such ordinance shall be passed in the same manner that other ordinances of such city requiring the expenditure of money are passed; but this act shall not be construed to prevent the doing of such work by proceedings for assessment as heretofore.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 13, 1884.

CHAPTER CCXXII.

An Act to reimburse William S. Weart for damages sustained against commissioners of the sinking fund of the state of New Jersey.

Preamble.

WHEREAS, James Wilson and Joseph L. Bodine, commissioners of the sinking fund of the state of New Jersey did on the sixth day of March, A. D. eighteen hundred

and eighty-three, lease to one William S. Weart a certain farm belonging to said commissioners of the sinking fund situate in the township of West Amwell, in the county of Hunterdon, containing about one hundred and fifty-eight acres of land; and

Preamble.

WHEREAS, The said commissioners were unable to deliver to said William S. Weart the possession of said farm on the first day of April then next ensuing as agreed upon in said lease on account of the person then in possession holding over and refusing to deliver up possession thereof, whereby the said William S. Weart was on the said first day of April without a farm and place to move his family, farming implements and stock, and had to store and place the latter with relations and neighbors, and was thereby put to great inconvenience and damage to-wit, three hundred dollars; therefore,

Payment of damages sustained.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the comptroller of the state of New Jersey be and is hereby authorized and directed to draw a warrant upon the treasurer of New Jersey in favor of said William S. Weart for the sum of three hundred dollars, which shall be in full satisfaction of all damages sustained by said William S. Weart against the commissioners of the sinking fund of New Jersey in reference to said lease and the possession of said farm.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 13, 1884.

CHAPTER CCXXIII.

An Act to provide for agreements between creditors and insolvent companies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any company

organized under any law of this state, and engaged in manufacturing within this state, shall have been or shall be declared to be insolvent, and a receiver shall have been or shall be appointed, and no settlement shall have been made for three years thereafter, it shall be lawful for such company to enter into an agreement with its creditors for a settlement, with the consent and approval of the chancellor, and after such agreement shall have been signed by not less than two-thirds in amount of the holders of the valid claims against such company, said agreement shall be binding upon all of the creditors of such company the same as if they had all signed, to the end that the receiver may be discharged by the chancellor, and the effects and property of the company restored to its own possession.

Certain companies may make agreement with creditors for a settlement.

2. *And be it enacted*, That any creditor who shall refuse to sign such agreement may, upon notice given to such company within sixty days from the discharge of the receiver, apply to the chancellor for an assessment of the value of the claim of such creditor, and the chancellor may appoint three commissioners to determine the actual value of the property of such company while the same was in the hands of the receiver, and the proportionate value of the claim of such creditor, and the value or proportionate amount of such claim shall be paid by the company in discharge of the debt, in order that such claimant may receive the full proportion that would have been realized if a sale of the property had been ordered by the court to be made by the receiver.

Proceedings to ascertain value of claim of creditor refusing to sign agreement.

3. *And be it enacted*, That either party may have a right to appeal from the decision of the commissioners, when made under the second section of this act, to the chancellor who shall hear and determine the same, or at the request of either party, an issue may be framed for the trial of the questions submitted to said commissioners before the circuit court of any county of this state, and the chancellor may order that such further proceedings shall be had as may be in accordance with the practice of the court of chancery, and the courts of law in the trial of feigned issues out of the court of chancery.

Appeal from decision of commissioners.

4. *And be it enacted*, That this act shall take effect immediately.

Approved May 14, 1884.

CHAPTER CCXXIV.

A Further Supplement to the act entitled, "An act to facilitate the collection of certain premiums for the benevolent funds of fire departments of cities, from fire insurance companies not organized under the laws of this state, but doing business herein," approved March fourteenth, eighteen hundred and seventy-nine.

Payment of moneys collected from foreign fire insurance companies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter all such moneys shall be paid by such foreign fire insurance companies and their agents, and by the secretary of state of *this* state, or such other officer as may be entrusted by law with the collection and distribution of the general fund arising therefrom, to the treasurers of the several fire department relief funds or firemen's relief associations organized by the active and exempt firemen, and not to any other person or persons or corporation whatever.

Moneys or property in hands of other persons to be paid over to relief fund or association.

2. *And be it enacted*, That in any case where such moneys, or any balance thereof, or any property purchased therewith, or any securities in which the same may have been invested, may now remain in the hands or possession or charge of any common council, or board of commissioners, or other person or persons or corporation whatever, other than the several fire department relief funds or firemen's relief associations, organized by the active and exempt firemen, and the treasurers by them elected, such moneys, property and securities, and the remainder thereof, shall (upon the organization, by the active and exempt firemen, of a fire department relief fund or firemen's relief association, and the incorporation thereof, and the election of a treasurer by them), forthwith be paid over, assigned and conveyed to such relief fund or association and to such treasurer; said treasurer to give bonds in such a sum as the trustees may designate.

3. *And be it enacted*, That in all such cases such com-

mon councils and boards of commissioners shall forthwith account to such fire department relief funds or firemen's relief associations, when organized, for all moneys which may have been received by them as aforesaid, and shall forthwith refund and pay over to such relief funds or associations all such moneys expended by them, other than for the benefit of any indigent or disabled firemen or their families. To account for moneys received and refund moneys expended for other than certain purposes.

4. *And be it enacted*, That this act shall take effect immediately, and that all acts and parts of acts inconsistent herewith are hereby repealed. Repealer.

Approved May 14, 1884.

CHAPTER CCXXV.

An Act for the support of the state reform school for boys.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of two thousand dollars in addition to the appropriation of the sum of two thousand dollars of last year, be and the same is hereby appropriated for the erection of a building to be used as a thrashing barn and store-house for grain, roots, potatoes and other vegetables. Appropriation for barn and storehouse.

2. *And be it enacted*, That the sum of five thousand dollars be and the same is hereby appropriated for the purchase of a gas machine with all necessary pipes and other appurtenances thereunto belonging and for the necessary expenditures in introducing gas throughout the buildings. Gas machine.

3. *And be it enacted*, That the sum of fifteen hundred dollars be and the same is hereby appropriated for the erection of an extension to the stable to be used for housing the wagons and other farm implements. Extension to stable.

4. *And be it enacted*, That the sum of four thousand dollars be and the same is hereby appropriated for the Purchase of furniture and sanitary improvements.

purchase of furniture and for repairing and improving the sanitary condition of the old buildings.

Dwelling house for superintendent.

5. *And be it enacted*, That the sum of four thousand dollars be and the same is hereby appropriated for the erection of a dwelling house for the use of the superintendent and family.

State treasurer directed to pay appropriations.

6. *And be it enacted*, That the treasurer of this state be and he is hereby directed to pay the trustees of the school the aforesaid sums upon the warrant of the comptroller.

7. *And be it enacted*, That this act shall take effect immediately.

Items not approved.

Approved May 14, 1884, except as to the following items to which I object, to wit: First, the sum of $2,000, mentioned in section 1. Second, the sum of $5,000, mentioned in section 2. Third, the sum of $1,500, mentioned in section 3. Fourth, the sum of $4,000 appropriated for the erection of a dwelling house, mentioned in section 5. These items in section 1, 2, 3 and 5 are not approved.

LEON ABBETT,
Governor.

JOINT RESOLUTIONS.

JOINT RESOLUTIONS.

NUMBER I.

Joint Resolution relative to the planting of forest trees.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor be and he is hereby authorized to issue a proclamation annually, setting apart a day in April for the planting of forest trees and recommending that the day be devoted by the people to that purpose.

2. *And be it resolved*, That this resolution take effect immediately.

Approved February 21, 1884.

NUMBER II.

Joint Resolution authorizing the quartermaster-general to deliver to Frank A. Souders a certain confederate flag captured by him.

WHEREAS, Frank A. Souders, late corporal of company F, fourth regiment New Jersey volunteers, while engaged with the confederate forces at Crampton Pass, Maryland, September fourteenth, one thousand eight hundred and sixty-two, captured a confederate flag in a

gallant charge by the regiment, and for which he received special mention, and the regiment was presented with a set of colors for gallant conduct on that occasion, and said flag is now in the care of the quartermaster-general, and the said Frank A. Souders is a member of William B. Hatch Post, number thirty-seven, grand army of the republic, Camden, New Jersey, and desires said flag to place it in the relic case of post thirty-seven, grand army of the republic; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the quartermaster-general is hereby authorized to deliver the said confederate flag to Frank A. Souders to be held in trust, to be returned to the quartermaster-general whenever that officer shall demand it, in the relic case of William B. Hatch Post, number thirty-seven, grand army of the republic, Camden, New Jersey.

2. *And be it resolved*, That this resolution shall take effect immediately.

Approved March 27, 1884.

NUMBER III.

Joint Resolution requesting the repeal of a part of the United States revenue laws relating to alcohol.

1. WHEREAS, The business of the citizens of the state of New Jersey engaged in agricultural pursuits has been injured by the operation of the United States revenue law permitting the manufacture of vinegar from alcohol, which has paid no internal revenue tax; *and whereas*, the operation of said internal revenue law gives opportunity to evade the tax on alcohol made and sold as such; therefore,

2. *Resolved* (the senate concurring), That our senators and representatives in congress be and hereby are requested to use all honorable means in their power to

procure the repeal of so much of the amendment to the United States laws contained in section five, chapter one hundred and twenty-five of general laws passed by the forty-fifth congress at the third session in the year one thousand eight hundred and seventy-nine, as authorizes the manufacture of vinegar from alcohol that has paid no internal revenue tax.

3. *And be it further resolved*, That the governor of this state be requested to forward copies of the foregoing preamble and resolution to our said senators and representatives.

Approved April 8, 1884.

NUMBER IV.

Joint Resolution relative to the salary of the commissioner of railroad taxation.

WHEREAS, The legislature of this state at its last session passed an act fixing the salary of the commissioner of railroad taxation at eighteen hundred dollars.

AND WHEREAS, By an error in the engrossing of said act, the same was inoperative and ineffective; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the sum of eight hundred dollars be and the same is hereby appropriated, and the comptroller is hereby authorized and directed to draw a warrant upon the treasurer of this state in favor of said commissioner of railroad taxation to pay said sum out of any moneys not otherwise appropriated.

2. *And be it resolved*, That this resolution shall take effect immediately.

Approved April 14, 1884.

NUMBER V.

Joint Resolution to enable the state of New Jersey to take part in the ceremonies attending the unveiling, at Freehold, N. J., of the monument to commemorate the battle of Monmouth.

WHEREAS, The legislature of the state of New Jersey, on the fourteenth day of March, one thousand eight hundred and eighty-one, did pass an act donating to the commission created by said act the sum of ten thousand dollars toward the erection of a monument in the township of Freehold, in the county of Monmouth, at the place where the battle of Monmouth commenced, on the morning of the twenty-eighth day of June, anno domini, one thousand seven hundred and seventy-eight, upon condition that the Monmouth battle monument association, a corporation under the laws of the state, should convey their right in a certain tract of land called "Monument Park," acquired by said association, to the state of New Jersey, together with the payment to the commission provided for in said act, of the sum of at least eight thousand dollars, to be used with the sum appropriated by the state for the erection of the said monument;

AND WHEREAS, These conditions on the part of the said Monmouth battle monument association have been fully complied with;

AND WHEREAS, The congress of the United States, on the sixth day of July, one thousand eight hundred and eighty-two, did pass an act donating to said commission the sum of twenty thousand dollars for the same purpose;

AND WHEREAS, The said commission have entered into certain contracts for the erection of said monument at a cost not exceeding forty thousand dollars, and it is reasonably expected that said structure will be fully

completed on or about the twenty-eighth day of June, one thousand eight hundred and eighty-four, that being the one hundred and sixth anniversary of the battle of Monmouth;

AND WHEREAS, It is eminently proper that a public work commemorative of so momentous an event in the early history of this country, a work encouraged and aided by the wise intervention of both state and national legislation, and calculated to reflect immeasurable credit upon the state thus mindful of the patriotism and courage of its heroic citizens in the great struggle of the revolution, should have its culmination marked in a manner commensurate with its national and world-wide importance; now therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That a delegation consisting of his excellency the governor, the secretary of state, the president of the senate, the speaker of the house of assembly, and two members of the senate and two members of the house of assembly, to be appointed by the respective presiding officers thereof, be and are hereby authorized and requested to confer with said commission in determining as to the proper ceremonies attending the unveiling of said battle monument.

2. *And be it resolved*, That the governor is hereby authorized and empowered to make his requisition upon the treasury to meet the necessary and proper expenses to carry out the provisions and intent of this resolution, and the comptroller is hereby authorized to draw his warrant for the same, and the governor shall cause an accurate and detailed account to be kept of the expenditures and shall file the same together with proper vouchers with the comptroller, who shall report the same to the next session of the legislature.

3. *And be it resolved*, That this joint resolution shall take effect immediately.

Approved April 16, 1884.

NUMBER VI.

Joint Resolution, authorizing the governor, upon the request of the commissioners of state water supply, to communicate with the authorities of the state of New York in relation to the waters flowing into New Jersey from that state.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That, whenever the commissioners appointed under chapter one hundred and eighty-nine, laws of one thousand eight hundred and eighty-two, to determine upon plans for the storage of any of the waters of this state for the purpose of furnishing to cities and towns a joint water supply, shall deem it wise to communicate with the authorities of the state of New York in relation to the control of the waters flowing into New Jersey from that state, they shall advise with the attorney general and call the attention of the governor to the subject, and the governor is hereby authorized to make such communication to the authorities of the state of New York in relation thereto, as he shall deem expedient.

Approved April 17, 1884.

NUMBER VII.

A Joint Resolution relative to claim of (Stockholm) Rifle Association.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the general command-

ing the national guard, the adjutant general and the quartermaster general are hereby requested to investigate the claim of the Stockton rifle range association against the state, under the contract between the state and that association, and report to the governor the amount due by the state, if any, to be paid upon the governor's approval.

Approved May 5, 1884.

NUMBER VIII.

Joint Resolution requesting congress to pass a bill to promote the efficiency of the revenue marine service.

WHEREAS, The eminent services rendered by the brave men of the revenue marine entitles them to the highest commendation;

AND WHEREAS, No provision exists in the present laws for the retiring of the meritorious aged or disabled in that service; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the senators and representatives from this state are earnestly requested to use their influence for the passage of the bill pending in congress, H. R., number four thousand four hundred and eighty-three, "to promote the efficiency of the revenue marine service," whereby the officers of the revenue marine who have grown old, or who have been seriously injured in the performance of their duty, may be retired, in accordance with provisions similar to those now in force in relation to the naval officers of the United States.

2. *And be it further resolved*, That copies of these resolutions be forwarded to the senators and representatives in congress from New Jersey, by the secretary of state.

Approved May 9, 1884.

NUMBER IX.

Joint Resolution authorizing the purchase of a historical painting representing the presentation of Molly Pitcher to Washington.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners of the state library be authorized to purchase an oil painting representing the presentation of Molly Pitcher to Washington by General Green, the morning after the battle of Monmouth; and on the requisition of the said commissioners, or a majority of them, for the cost of the same, the comptroller is directed to draw his warrant for the amount, and the treasurer authorized to pay the said warrant, and so much money as may be required therefor, is hereby appropriated from the treasury for the purpose.

2. *And be it resolved*, That this joint resolution shall take effect immediately.

Approved May 14, 1884.

PROCLAMATIONS.

PROCLAMATIONS.

PROCLAMATION BY THE GOVERNOR.

In thankful recognition of the unbounded kindness and continued mercies and blessings which our Heavenly Father and Ruler has bestowed upon us during the past year,

I, GEORGE C. LUDLOW, governor of the state of New Jersey, do hereby designate and appoint THURSDAY, THE TWENTY-NINTH DAY OF NOVEMBER, instant, to be observed throughout this state as a day of public thanksgiving and prayer to Almighty God; and I recommend that on that day ordinary business occupations be suspended, and that the people assemble in their several places of religious worship and unite in praise, thanksgiving and prayer.

Given under my hand and privy seal, at the executive chamber, in the city of Trenton, [L. S.] this second day of November, in the year of our Lord one thousand eight hundred and eighty-three, and of the independence of the United States the one hundred and eighth.

G. C. LUDLOW, *Governor.*

Attest:

JOS. L. NAAR, *Private Secretary.*

PROCLAMATION BY THE GOVERNOR.

WHEREAS, notice and information has been given me, as provided by law, that John W. Doremus, who was duly declared to have been elected at the last general election, a member of the next general assembly of this state, in the second assembly district of the county of Bergen, died on the eleventh day of November, instant, whereby a vacancy has occurred in the representation of said county of Bergen in said general assembly.

Therefore, I, GEORGE C. LUDLOW, Governor of the State of New Jersey, by requirement of law, do hereby issue this my proclamation, commanding and requiring that an election be held according to law in the said second assembly district of the said county of Bergen, on Tuesday the eighteenth day of December, next ensuing the date hereof, for the purpose of electing a member of the general assembly of this state to fill the said vacancy occasioned by the death of said John W. Doremus.

Given under my hand and the great seal of the State of New Jersey, at Trenton, this fifteenth day of November, in the year of [L. S.] our Lord, one thousand eight hundred and eighty-three, and of the independence of the United States the one hundred and eighth.

By the Governor, G. C. LUDLOW.

HENRY C. KELSEY, *Secretary of State.*

PROCLAMATION BY THE GOVERNOR.

It appearing by oath, that Phœbe J. Paulin, on or about the twenty-fourth day of November, A. D. 1883, in the

township of West Orange, in the county of Essex, was, by some person or persons unknown, murdered, under circumstances of peculiar atrocity.

Therefore, I, George C. Ludlow, governor of the state of New Jersey, by virtue of the authority in me vested by law, do issue this my proclamation, and hereby offer a reward of six hundred dollars for apprehending and securing the person or persons who committed the aforesaid crime, and any person or persons who may have aided abetted, comforted, harbored or concealed him, her or them, knowing him, her or them to be in such wise guilty; which reward shall be paid on conviction, according to the provisions of the twenty-first section of "An Act regulating proceedings in criminal cases," (Revision) approved March 27th, 1874.

Given under my hand and the great seal of the
[L. S.] state of New Jersey, at Trenton, this twenty-eighth day of November, A. D. eighteen hundred and eighty-three.

By the Governor, G. C. LUDLOW.

HENRY C. KELSEY, *Secretary of State.*.

PROCLAMATION BY THE GOVERNOR.

To the people of the State of New Jersey:

The legislature of this state adopted, and on the twenty-first day of February, eighteen hundred and eighty-four, I approved the following joint resolution:

"Joint resolution relative to the planting of forest trees.

"1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey,* That the governor be and he is hereby authorized to issue a proclamation annually, setting apart a day in April for the planting of forest trees, and recommending that the day be devoted by the people to that purpose.

"2. *And be it resolved,* That this resolution take effect immediately."

Now, therefore, pursuant to the foregoing resolution, I do hereby set apart Friday, April eighteenth, eighteen hundred and eighty-four, for the planting of forest trees, and recommend that the day be devoted by the people to that purpose.

In testimony whereof, I have hereunto set my hand and caused the great seal of the state [L. S.] to be hereunto affixed, at Trenton, this fourth day of April, eighteen hundred and eighty four.

LEON ABBETT.

By the Governor:

HENRY C. KELSEY, *Secretary of State.*

PROCLAMATION BY THE GOVERNOR.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
TRENTON, April 18th, 1884.

The bill entitled "An Act for the taxation of railroad and canal property" having been approved, and the legislature having adjourned sine die before the nominations for the members of the state board of assessors had all been acted upon by the senate, as provided for in said act, and as the law provides that "No person shall be qualified or authorized to act as a member of said board unless his appointment shall have been confirmed by the senate;" *and whereas*, the interests of the state demand that said board should begin its work immediately, and cannot do so without four commissioners being first appointed; *and whereas*, other nominations for other positions were not acted upon by the senate at the time of adjournment.

Therefore, I, Leon Abbett, governor of the state of New Jersey, by virtue of the power in me vested by the constitution, do hereby convene the senate of the state, at the state house, in the city of Trenton, (in the senate chamber) on TUESDAY, THE TWENTY-SECOND DAY OF APRIL,

A. D. eighteen hundred and eighty-four, at the hour of twelve, noon, of that day.

Given under my hand and the great seal of
[L. S.] the state of New Jersey, at Trenton, the eighteenth day of April, A. D. eighteen hundred and eighty-four.

LEON ABBETT.

By the Governor,
HENRY C. KELSEY, *Secretary of State.*

PROCLAMATION BY THE GOVERNOR.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
TRENTON, April 23d, 1884.

Under the provisions of an act entitled "An act to provide for the imposition of a state tax upon certain corporations and for the collection thereof," approved April eighteenth, one thousand eight hundred and eighty-four, it was provided that

"2. *And be it enacted*, That on or before the first Tuesday of May next, and annually thereafter, it shall be the duty of the president, treasurer or other proper officer of every corporation of the character specified in the preceding section, to make report to the state board of assessors, appointed and to be appointed under the act entitled 'An act for the taxation of railroad and canal property,' stating specifically the following particulars, namely: Each telegraph, telephone, cable and express company, not owned by a railroad company and otherwise taxed, shall state the gross amount of its receipts from business done in this state for the year preceding the first day of January prior to the making of such report; each electric light company shall state the gross amount of its receipts for light or power supplied within this state for the year preceding the first day of February, prior to the making of such report; each gas company shall state the gross amount of its receipts for busi-

ness done in this state during the same time, and the amount of dividends earned or declared for the same period; each parlor, palace or sleeping car company shall state the gross amount of its receipts for fare or tolls for transportation of passengers within this state during the same time; each oil or pipe line company engaged in the transportation of oil or crude petroleum shall state the gross amount of its receipts from the transportation of oil or petroleum through its pipes or in and by its tanks or cars in this state during the same time; each fire, marine, live stock or accident insurance company shall state the total amount of premiums received by it for insurance upon the lives of persons resident or property located within this state during the same time.

"3. *And be it enacted*, That if any officer of any company required by this act to make a return as aforesaid, shall, in such return, make a false statement, he shall be deemed guilty of perjury; if any such company shall neglect or refuse to make such return within the time limited as aforesaid, the state board of assessors shall ascertain and fix the amount of such receipts in such manner as may be deemed by them most practicable and the amount fixed by them shall stand as the basis of taxation of such company under this act.

"4. *And be it enacted*, * * * * * * that all other corporations incorporated under the laws of this state, and not hereinbefore provided for, shall pay a yearly license fee or tax of one-tenth of one per centum on the amount of the capital stock of such corporations; *provided*, that this act shall not apply to railway, canal or banking corporations, or to savings banks, cemeteries or religious corporations or purely charitable or educational associations, or manufacturing companies or mining companies carrying on business in this state."

Under the terms of an act entitled "An act for the taxation of railroad and canal property," approved April 10th, 1884, I have appointed, with the advice and consent of the senate, Edward Bettle, Abraham M. Reynolds, Alexander G. Cattell and Allan L. McDermott, a state board of assessors, whose duty it will be to execute the provisions of both of the above entitled acts.

The returns required to be made by the railroad and

canal companies, under the act of April 10th, 1884, are required to be made on or before the first day of July next, under section twenty-one of said act.

The state board of assessors will organize on the fifth day of May, 1884, at the state house, in the city of Trenton. All returns to be made to them should be addressed to "the state board of assessors, state house, Trenton, N. J."

The assessors in each taxing district in the state are hereby required to send their name and post-office address, and also the name and post-office address of the city clerk or township clerk, and to return to the said board on or before the first Tuesday of May, a list of all the corporations of every kind within their taxing districts.

The corporations to be taxed and the assessors in each taxing district will be furnished with copies of the above entitled laws upon application to the state comptroller.

In testimony whereof, I have hereunto set my hand and caused the great seal of the state to be hereunto affixed, at Trenton, this twenty-third day of April, A. D. eighteen hundred and eighty-four.

[L. S.]

LEON ABBETT.

By the Governor,

HENRY C. KELSEY, *Secretary of State.*

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SPECIAL PUBLIC LAWS.

SPECIAL PUBLIC LAWS

PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE.

CHAPTER XI.

An Act to change the name of the township of Upper Alloways Creek in the county of Salem, to the township of Alloway.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township now known and designated as the township of Upper Alloways Creek, in the county of Salem shall hereafter be known and designated as the township of Alloway; and that all the powers and duties now existing in such township under any general or special acts, shall be continued, under the new name as aforesaid the same as if the name of the township had not been changed. Change of name.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 21, 1884.

CHAPTER LXII.

An act to require the New York, Lake Erie and Western Railroad Company to erect and maintain gates at certain street crossings in the city of Paterson.

Gates to be erected and maintained at certain street crossings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the New York, Lake Erie and Western railroad company shall, for the greater safety and protection of the public using the streets hereinafter named, put up and erect, and thereafter maintain in good order at its own expense, raising gates on each side of its track at the crossings of Straight, Clay, Cedar, Ellison, Van Houten, Division and River streets in the city of Paterson.

Pattern and style of gate.

2. *And be it enacted*, That the gates so to be constructed shall be of the same pattern and style as the gates now erected at the Broadway crossing of the New York, Lake Erie and Western railroad company in Paterson; and said gates shall be fully erected and completed within six months next succeeding the passage of this act; and in case said company shall fail to fully erect and complete the said gates, or any of them, within the period aforesaid, it shall forfeit the sum of five hundred dollars, and the additional sum of fifty dollars for each additional day that said gates or any of them shall remain unconstructed, to be recovered in an action of debt in the corporate name of the city of Paterson, for the benefit of said city.

Penalty for failure to erect gates.

Passed March 25, 1884.

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PRIVATE LAWS

PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE.

CHAPTER XXII.

An Act for the relief of Edmund Teel.

Restored to citizenship.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edmund Teel, of the county of Warren, be and is hereby restored to all his former rights and privileges as a citizen of New Jersey.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 4, 1884.

CHAPTER XLIII.

An Act for the relief of Joseph B. Cornish.

Restored to citizenship.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph B. Cornish, of the county of Warren, be and is hereby restored to all his former rights and privileges as a citizen of New Jersey.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1884.

CHAPTER C.

An Act for the relief of Charles S. Strader, of the borough of Washington, in the county of Warren.

Restored to citizenship.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles S. Strader, of the borough of Washington, in the county of Warren, be and the said Charles S. Strader is hereby restored to all his rights, liberties, privileges and franchises as a citizen of the state of New Jersey.

2. *And be it enacted*, That this act shall take effect immediately.

Passed April 9, 1884.

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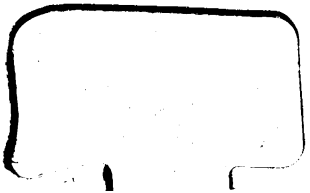
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